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United Nations

Report of the Human Rights Council

Fifteenth session
(13 September-1 October 2010)

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(13 September-1 October 2010)

United Nations • New York, 2010

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The present volume contains the resolutions, decisions and President's statements adopted by the Human Rights Council at its fifteenth session, from 13 September to 1 October 2010.

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Introduction

1. The Human Rights Council held its fifteenth session from 13 September to 1 October 2010. In accordance with rule 8 (*b*) of its rules of procedure, as contained in the annex to Council resolution 5/1, the organizational meeting of the fifteenth session was held on 30 August 2010.

2. The report of the Council on its fifteenth session will be issued in document A/HRC/15/60.

Resolutions, decisions and President's statements adopted by the Council at its fifteenth session

I. Resolutions brought to the attention of the General Assembly for its consideration and possible action

15/1
Follow-up to the report of the independent international fact-finding mission on the incident of the humanitarian flotilla

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,

Considering that the promotion of respect for the obligations arising from the Charter and the other instruments and rules of international law is among the basic purposes and principles of the United Nations,

Taking into consideration the relevant provisions of international humanitarian and human rights law,

Emphasizing the importance of the safety and well-being of all civilians, including humanitarian personnel,

Recalling its resolution 14/1 of 2 June 2010, in which the Council decided to dispatch an independent international fact-finding mission to investigate violations of human rights law and international humanitarian law resulting from the Israeli attacks on the flotilla of ships carrying humanitarian assistance,

1. *Welcomes* the report of the independent international fact-finding mission;[1]

2. *Deeply regrets* the non-cooperation by the occupying Power, Israel, with the mission;

3. *Endorses* the conclusions contained in the report of the mission, and calls upon all concerned parties to ensure their immediate implementation;

4. *Recommends* that the General Assembly consider the report of the mission;

5. *Requests* the United Nations High Commissioner for Human Rights to submit a report on the status of the implementation of paragraph 3 above to the Council at its sixteenth session;

6. *Decides* to follow up the implementation of the present resolution at its sixteenth session.

30th meeting
29 September 2010

[1] A/HRC/15/21.

[Adopted by a recorded vote of 30 to 1, with 15 abstentions. The voting was as follows:

In favour:

Angola, Argentina, Bahrain, Bangladesh, Brazil, Burkina Faso, Chile, China, Cuba, Djibouti, Ecuador, Gabon, Guatemala, Jordan, Kyrgyzstan, Libyan Arab Jamahiriya, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Pakistan, Qatar, Russian Federation, Saudi Arabia, Senegal, Thailand, Uganda, Uruguay

Against:

United States of America

Abstaining:

Belgium, Cameroon, France, Hungary, Japan, Norway, Poland, Republic of Korea, Republic of Moldova, Slovakia, Spain, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, Zambia]

15/7
Human rights and indigenous peoples

The Human Rights Council,

Bearing in mind that the General Assembly, in its resolution 59/174 of 20 December 2004, proclaimed the Second International Decade of the World's Indigenous People,

Recalling Commission on Human Rights resolutions 2001/57 of 24 April 2001, 2002/65 of 25 April 2002, 2003/56 of 24 April 2003, 2004/62 of 21 April 2004 and 2005/51 of 20 April 2005 on human rights and indigenous issues,

Recalling also Council resolutions 6/12 of 28 September 2007, 6/36 of 14 December 2007, 9/7 of 24 September 2008 and 12/13 of 1 October 2009,

Recalling further the adoption of the United Nations Declaration on the Rights of Indigenous Peoples by the General Assembly in its resolution 61/295 of 13 September 2007,

Recognizing the importance to indigenous peoples of revitalizing, using, developing and transmitting to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and designating and retaining their own names for communities, places and persons,

1. *Welcomes* the report of the United Nations High Commissioner for Human Rights on indigenous issues,[2] and requests the High Commissioner to continue to submit to the Council an annual report on the rights of indigenous peoples containing information on relevant developments in human rights bodies and mechanisms and activities undertaken by the Office of the High Commissioner at Headquarters and in the field that contribute to the promotion of, respect for and the full application of the provisions of the United Nations Declaration on the Rights of Indigenous Peoples, and follow-up on the effectiveness of the Declaration;

2. *Also welcomes* the work of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and the official visits he has made

[2] A/HRC/15/34.

during the last year, takes note with appreciation of his report,[3] and encourages all Governments to respond favourably to his requests for visits;

3. *Requests* the Special Rapporteur to report on the implementation of his mandate to the General Assembly at its sixty-sixth session;

4. *Welcomes* the work of the Expert Mechanism on the Rights of Indigenous Peoples, and takes note with appreciation of the report on its third session;[4]

5. *Also welcomes* the successful completion by the Expert Mechanism of its progress report on the study on indigenous peoples and the right to participate in decision-making,[5] encourages it to finalize the study in accordance with Council resolution 12/13, taking into account the discussions held at its third session, and requests it to give examples of good practices at different levels of decision-making;

6. *Further welcomes* the practice adopted during the third session of the Expert Mechanism to devote specific time to discussion of past mandated thematic studies of the Mechanism, and encourages States to participate in and contribute to these discussions;

7. *Decides*, bearing in mind paragraph 7 of Council resolution 12/13, to hold, on an annual basis, and without prejudice to the outcome of the Council's review of its work and functioning, an interactive dialogue with the Expert Mechanism following the presentation of its report, within existing resources;

8. *Also decides* to hold, within existing resources, at its eighteenth session, a half-day panel on the role of languages and culture in the promotion and protection of the well-being and identity of indigenous peoples;

9. *Further decides*, bearing in mind the need to ensure continuity in the functioning of the Expert Mechanism and pursuant to paragraph 8 of resolution 12/13, that, while the regular mandate of the members of the Expert Mechanism shall continue to be three years in accordance with paragraph 6 of Council resolution 6/36, two out of five members to be elected in 2011 shall serve for two years, and that the staggering of the terms of membership shall be defined by the drawing of lots by the President of the Council after the election of the five members;

10. *Welcomes* the report of the Office of the United Nations High Commissioner for Human Rights on the practical implications of a change in the mandate of the Voluntary Fund for Indigenous Populations,[6] and recommends that the General Assembly approve the expansion of the mandate of the Voluntary Fund so that it can also be used to assist representatives of indigenous communities and indigenous organizations to attend sessions of the Council and of human rights treaty bodies, based on diverse and renewed participation and in accordance with relevant rules and regulations, including Economic and Social Council resolution 1996/31 of 25 July 1996;

11. *Recognizes* the importance of the contributions of all relevant stakeholders, including the Expert Mechanism, to the process of the Council's review of its work and functioning;

12. *Welcomes* the role of national human rights institutions established in accordance with the Paris Principles in advancing indigenous issues, and encourages national human rights institutions to develop and strengthen their capacities to fulfil that role effectively, including with the support of the Office of the High Commissioner;

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[3] A/HRC/15/37.
[4] A/HRC/15/36.
[5] A/HRC/15/35.
[6] A/HRC/15/38.

13. *Also welcomes* the ongoing cooperation and coordination between the Special Rapporteur, the Permanent Forum on Indigenous Issues and the Expert Mechanism, and requests them to continue to carry out their tasks in a coordinated manner;

14. *Encourages* those States that have not yet ratified or acceded to the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization to consider doing so and to consider supporting the United Nations Declaration on the Rights of Indigenous Peoples, and welcomes the increased support by States to that Declaration;

15. *Encourages* States that have endorsed the Declaration on the Rights of Indigenous Peoples to adopt measures to pursue the objectives of the Declaration in consultation and cooperation with indigenous peoples, where appropriate;

16. *Decides* to continue consideration of this question at a future session in conformity with its annual programme of work.

31st meeting
30 September 2010

[Adopted without a vote.]

15/10
Elimination of discrimination against persons affected by leprosy and their family members

The Human Rights Council,

Recalling Council resolutions 8/13 of 18 June 2008 and 12/7 of 1 October 2009, in which the Council requested the Human Rights Council Advisory Committee to formulate and finalize a draft set of principles and guidelines for the elimination of discrimination against persons affected by leprosy and their family members,

Welcoming the submission of views of relevant actors on the draft set of principles and guidelines in accordance with Council resolution 12/7,

Expressing its appreciation to the Advisory Committee for finalizing the draft set of principles and guidelines for the elimination of discrimination against persons affected by leprosy and their family members,

Noting that the Principles and Guidelines are to be interpreted in a manner consistent with States' obligations under international human rights law, including relevant Conventions,

1. *Takes note with appreciation* of the Principles and Guidelines for the elimination of discrimination against persons affected by leprosy and their family members submitted to the Council by the Advisory Committee;[7]

2. *Requests* the Office of the United Nations High Commissioner for Human Rights to disseminate the Principles and Guidelines as appropriate;

3. *Encourages* Governments, relevant United Nations bodies, specialized agencies, funds and programmes, other intergovernmental organizations and national human rights institutions to give due consideration to the Principles and Guidelines in the formulation and implementation of their policies and measures concerning persons affected by leprosy and their family members;

[7] A/HRC/15/30, annex.

4. *Encourages* all relevant actors in society, including hospitals, schools, universities, religious groups and organizations, business enterprises, newspapers, broadcasting networks and other non-governmental organizations, to give due consideration, as appropriate, to the Principles and Guidelines, in the course of their activities;

5. *Invites* the General Assembly to consider, as appropriate, the issue of the elimination of discrimination against persons affected by leprosy and their family members, including possible ways to promote further the Principles and Guidelines.

31st meeting
30 September 2010

[Adopted without a vote.]

15/18
Arbitrary detention

The Human Rights Council,

Reaffirming articles 3, 9, 10 and 29, as well as other relevant provisions, of the Universal Declaration of Human Rights,

Recalling articles 9 to 11 and 14 to 22 of the International Covenant on Civil and Political Rights,

Recalling also Commission on Human Rights resolutions 1991/42 of 5 March 1991 and 1997/50 of 15 April 1997, as well as Council resolutions 6/4 of 28 September 2007 and 10/9 of 26 March 2009,

Recalling further General Assembly resolution 60/251 of 15 March 2006 entitled "Human Rights Council",

Recalling resolution 5/1 entitled "Institution-building of the United Nations Human Rights Council" and resolution 5/2 entitled "Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council", of 18 June 2007, stressing that the mandate holder shall discharge his/her duties in accordance with these resolutions and the annexes thereto,

Commemorating the twentieth anniversary of the establishment of the Working Group on Arbitrary Detention, and taking that opportunity to raise awareness about the persistence of arbitrary deprivation of liberty,

1. *Stresses* the importance of the work of the Working Group on Arbitrary Detention;

2. *Takes note with interest* of the latest report of the Working Group,[8] including the recommendations contained therein;

3. *Requests* the States concerned to take account of the Working Group's views and, where necessary, to take appropriate steps to remedy the situation of persons arbitrarily deprived of their liberty and to inform the Working Group of the steps they have taken;

4. *Encourages* all States:

(a) To give due consideration to the recommendations of the Working Group;

[8] A/HRC/13/30.

(b) To take appropriate measures to ensure that their legislation, regulations and practices remain in conformity with relevant international standards and the applicable international legal instruments;

(c) To respect and promote the right of anyone arrested or detained on a criminal charge to be brought promptly before a judge or other officer authorized by law to exercise judicial power, and to be entitled to trial within a reasonable time or release;

(d) To respect and promote the right of anyone deprived of his or her liberty by arrest or detention to bring proceedings before court, in order that the court may decide without delay on the lawfulness of his or her detention and order his or her release if the detention is not lawful, in accordance with their international obligations;

(e) To ensure that the right referred to in subparagraph (d) above is equally respected in cases of administrative detention, including administrative detentions in relation to public security legislation;

(f) To ensure that anyone who is arrested or detained on a criminal charge has adequate time and facilities for the preparation of his or her defence, including the opportunity to engage and communicate with counsel;

(*g*) To ensure that the conditions of pretrial detention do not undermine the fairness of the trial;

5. *Also encourages* all States to cooperate with the Working Group, and to give serious consideration to responding favourably to its requests for visits so that it may carry out its mandate even more effectively;

6. *Notes with concern* that a persistent proportion of urgent appeals of the Working Group has been left unanswered, and urges the States concerned to give the necessary attention to the urgent appeals addressed to them by the Working Group on a strictly humanitarian basis and without prejudging its possible final conclusions, as well as to the communication of the same case pursuant to the regular complaint procedure;

7. *Encourages* the Working Group, in accordance with its working methods, to continue to provide the concerned State with relevant and detailed information concerning allegations of arbitrary detention in order to facilitate a prompt and substantive response to these communications without prejudice to the need for the concerned State to cooperate with the Working Group;

8. *Notes with deep concern* that the Working Group has received increasing information on reprisals suffered by individuals who were the subject of an urgent appeal or opinion or who applied a recommendation of the Working Group, and calls upon the States concerned to take appropriate measures to prevent such acts and to combat impunity by investigating promptly and effectively all allegations of intimidation and reprisal in order to bring perpetrators to justice and to provide victims with appropriate remedies;

9. *Expresses its profound thanks* to the States that have extended their cooperation to the Working Group and responded to its requests for information, and invites all States concerned to demonstrate the same spirit of cooperation;

10. *Notes with satisfaction* that the Working Group has been informed of the release of some of the individuals whose situation has been brought to its attention, while deploring the many cases that have not yet been resolved;

11. *Decides* to extend the mandate of the Working Group for a further period of three years, in accordance with Commission on Human Rights resolutions 1991/42 and 1997/50 and with Council resolution 6/4;

12. *Requests* the Secretary-General to provide all necessary assistance to the Working Group, particularly with regard to the staffing and resources needed for the effective fulfilment of its mandate, especially in respect of field missions;

13. *Requests* the Office of the United Nations High Commissioner for Human Rights to organize in 2011, within existing resources, a one-day event to commemorate the twentieth anniversary of the establishment of the Working Group;

14. *Decides* to continue consideration of the question of arbitrary detention in conformity with its programme of work.

32nd meeting
30 September 2010

[Adopted without a vote.]

15/21
The rights to freedom of peaceful assembly and of association

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and other applicable human rights instruments,

Reaffirming the purposes and principles enshrined in the Charter and the human rights and fundamental freedoms enshrined in the Universal Declaration of Human Rights,

Recalling that the States Members of the United Nations have pledged to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Recalling also Commission on Human Rights resolution 2005/37 of 19 April 2005 and other relevant resolutions,

Reaffirming that everyone has the rights to freedom of peaceful assembly and of association and that no one may be compelled to belong to an association,

Recognizing the importance of the rights to freedom of peaceful assembly and of association to the full enjoyment of civil and political rights, and economic, social and cultural rights,

Recognizing also that the rights to freedom of peaceful assembly and of association are essential components of democracy, providing individuals with invaluable opportunities to, inter alia, express their political opinions, engage in literary and artistic pursuits and other cultural, economic and social activities, engage in religious observances or other beliefs, form and join trade unions and cooperatives, and elect leaders to represent their interests and hold them accountable,

Recognizing further that exercising the rights to freedom of peaceful assembly and of association free of restrictions, subject only to the limitations permitted by international law, in particular international human rights law, is indispensable to the full enjoyment of these rights, particularly where individuals may espouse minority or dissenting religious or political beliefs,

Recognizing the critical mandate, role, expertise and specialized supervisory mechanisms and procedures of the International Labour Organization with respect to employers' and workers' rights to freedom of association,

Recalling Council resolution 5/1, entitled "Institution-building of the United Nations Human Rights Council", and resolution 5/2, entitled "Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council", of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with these resolutions and the annexes thereto,

1. *Calls upon* States to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law;

2. *Calls upon* the Office of the United Nations High Commissioner for Human Rights to assist States to promote and protect the rights to freedom of peaceful assembly and of association, including through the technical assistance programmes of the Office, at the request of States, and to cooperate with relevant bodies of the United Nations system and other intergovernmental organizations to assist States to promote and protect the rights to freedom of peaceful assembly and of association;

3. *Encourages* civil society, including non-governmental organizations and other relevant stakeholders, to promote the enjoyment of the rights to freedom of peaceful assembly and of association, recognizing that civil society facilitates the achievement of the aims and principles of the United Nations;

4. *Recalls* that, in accordance with the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, the exercise of the rights to freedom of peaceful assembly and of association can be subject to certain restrictions, which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others;

5. *Decides* to appoint, for a period of three years, a special rapporteur on the rights to freedom of peaceful assembly and of association whose tasks will include:

(*a*) To gather all relevant information, including national practices and experiences, relating to the promotion and protection of the rights to freedom of peaceful assembly and of association, to study trends, developments and challenges in relation to the exercise of these rights, and to make recommendations on ways and means to ensure the promotion and protection of the rights to freedom of peaceful assembly and of association in all their manifestations;

(*b*) To incorporate in his or her first report an elaboration of the framework, including seeking the views of States, through which the mandate holder will consider best practices, including national practices and experiences, that promote and protect the rights to freedom of peaceful assembly and of association, taking into account in a comprehensive manner the relevant elements of work available within the Council;

(*c*) To seek, receive and respond to information from Governments, non-governmental organizations, relevant stakeholders and any other parties who have knowledge of these matters, with a view to promoting and protecting the rights to freedom of peaceful assembly and of association;

(*d*) To integrate a gender perspective throughout the work of the mandate;

(*e*) To contribute to the provision of technical assistance or advisory services by the Office of the High Commissioner to better promote and protect the rights to freedom of peaceful assembly and of association;

(*f*) To report on violations, wherever they may occur, of the rights to freedom of peaceful assembly and of association, as well as discrimination, threats or use of violence, harassment, persecution, intimidation or reprisals directed at persons exercising these rights, and to draw the attention of the Council and the High Commissioner to situations of particularly serious concern;

(*g*) To undertake his or her activities such that the present mandate will not include those matters of specific competence of the International Labour Organization and its specialized supervisory mechanisms and procedures with respect to employers' and workers' rights to freedom of association, with a view to avoiding any duplication;

(*h*) To work in coordination with other mechanisms of the Council, other competent United Nations bodies and human rights treaty bodies, and to take all necessary measures to avoid unnecessary duplication with those mechanisms;

6. *Calls upon* States to cooperate fully with and assist the special rapporteur in the performance of his or her tasks, to provide all necessary information requested by him or her, to respond promptly to his or her urgent appeals and other communications and to consider favourably his or her requests for visits;

7. *Invites* the High Commissioner, relevant special procedures of the Council and human rights treaty bodies to pay attention, within the framework of their mandates, to the situation of persons whose right to freedom of peaceful assembly or of association has been violated;

8. *Requests* the special rapporteur to submit an annual report to the Council covering activities relating to his or her mandate;

9. *Requests* the Secretary-General and the High Commissioner to provide all the human and financial resources necessary for the effective fulfilment of the mandate by the special rapporteur;

10. *Decides* to continue its consideration of the issue of the rights to freedom of peaceful assembly and of association in accordance with its programme of work.

32nd meeting
30 September 2010

[Adopted without a vote.]

15/23
Elimination of discrimination against women

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Guided also by the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the International Convention on the Elimination of All Forms of Racial Discrimination,

Recalling the Vienna Declaration and Programme of Action adopted on 25 June 1993 by the World Conference on Human Rights,[9] the Beijing Declaration and Platform for Action adopted on 15 September 1995 by the Fourth World Conference on Women,[10] and their 2005 and 2010 reviews, the Durban Declaration and Programme of Action adopted on 8 September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance[11] and the outcome document of the Durban Review Conference adopted on 24 April 2009,[12]

Welcoming the establishment of the United Nations Entity for Gender Equality and the Empowerment of Women, known as UN Women,

Bearing in mind the challenges still faced by all countries throughout the world to overcome inequality between men and women,

Recalling the outcome of the twenty-third special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century", the declaration adopted by the Commission on the Status of Women at its forty-ninth session and the outcome document of the Durban Review Conference,

Recalling also Commission on Human Rights resolutions 2000/13 of 17 April 2000, 2001/34 of 23 April 2001 and 2003/22 of 22 April 2003, as well as Council resolution 6/30 of 14 December 2007 on integrating the human rights of women throughout the United Nations system and Council resolution 12/17 of 2 October 2009 on the elimination of discrimination against women,

Bearing in mind that international human rights treaties, including the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, prohibit discrimination on the basis of gender and include guarantees to ensure the enjoyment by women and men, and girls and boys, of their civil, political, economic, social and cultural rights on a basis of equality,

Deeply concerned by the fact that women everywhere are still subject to significant disadvantage as the result of discriminatory laws and practices and that de jure and de facto equality has not been achieved in any country in the world,

Recognizing that women face multiple forms of discrimination,

Reiterating the need to intensify efforts to eliminate all forms of discrimination against women throughout the world,

Recognizing that the full and equal participation of women in all spheres of life is essential for the full and complete economic and social development of a country,

Recognizing also that the elimination of discrimination against women, in law and in practice, is primarily the responsibility of States, and that the United Nations human rights system plays an important role in contributing to these efforts,

Mindful of the fact that the elimination of discrimination against women requires the consideration of women's specific socio-economic context, and recognizing that laws, policies, customs and traditions that restrict women's equal access to full participation in development processes and public and political life are discriminatory and may contribute to the feminization of poverty,

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[9] A/CONF.157/24 (Part I), chap. III.

[10] See A/CONF.177/20/Rev.1, chap. I.

[11] See A/CONF.189/12 and Corr.1, chap. I.

[12] See A/CONF.211/8, chap. I.

Recalling its resolution 5/1 on institution-building of the Council and resolution 5/2 on the code of conduct for special procedures mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

1. *Reaffirms* the obligation of States to take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

2. *Welcomes* the commitments made by the international community to fully implement the Millennium Development Goals, and stresses, in that context, the resolve of Heads of State to promote gender equality and the empowerment of women as effective ways to combat poverty, hunger and disease and to stimulate development that is truly sustainable;

3. *Also welcomes* the efforts made by States around the world to reform their legal systems in order to remove obstacles to women's full and effective enjoyment of their human rights;

4. *Expresses concern* at the fact that, despite the pledge made at the Fourth World Conference on Women and the review conducted by the General Assembly at its twenty-third special session to modify or abolish remaining laws that discriminate against women and girls, many of these laws are still in force and continue to be applied, thereby preventing women and girls from enjoying the full realization of their human rights;

5. *Calls upon* States to fulfil their international obligations and commitments to revoke any remaining laws that discriminate on the basis of sex and remove gender bias in the administration of justice, taking into account the fact that those laws violate the human right of women to be protected against discrimination;

6. *Recognizes* that women's inequality before the law has resulted in the lack of equal opportunities for women in education, access to health, economic participation and access to labour markets and disparities in, inter alia, salaries and compensation, public and political participation, access to decision-making processes, inheritance, ownership of land, financial services, including loans, and nationality and legal capacity, as well as increased vulnerability to discrimination and violence, and that all countries face challenges in these areas;

7. *Acknowledges* the work undertaken by the Commission on the Status of Women, the Committee on the Elimination of Discrimination against Women, the Special Rapporteurs of the Council on violence against women, its causes and consequences, on trafficking in persons, especially in women and children, and on contemporary forms of slavery and other relevant United Nations bodies, agencies and mechanisms to eliminate discrimination in law and in practice throughout the world;

8. *Emphasizes* the significant role that women play in economic development and in the eradication of poverty, and stresses the need for promoting equal pay for equal work or work of equal value and for promoting the recognition of the value of women's unremunerated work, as well as for developing and promoting policies that facilitate the reconciliation of employment and family responsibilities;

9. *Calls upon* States to ensure full representation and full and equal participation of women in political, social and economic decision-making as an essential condition for gender equality and the empowerment of women and girls and a critical factor in the eradication of poverty;

10. *Welcomes*, in particular, the work undertaken by the Committee on the Elimination of Discrimination against Women on women's equality before the law;

11. *Recognizes* the important role played by the Council in addressing the issue of discrimination against women, both in law and in practice;

12. *Welcomes* the convening of a panel on equality before the law during the eleventh session of the Council;

13. *Notes* that, although human rights treaty bodies and special procedures do, to some extent, address discrimination against women within their mandates, their attention to such discrimination is not systematic;

14. *Also notes* the work undertaken by the Office of the United Nations High Commissioner for Human Rights on the issue;

15. *Takes note* of the thematic study on discrimination against women, in law and in practice, and on how the issue is addressed throughout the United Nations human rights system, prepared by the Office of the High Commissioner;[13]

16. *Welcomes* the half-day panel discussion on discrimination against women in law and in practice;

17. *Calls upon* States to pay particular attention to discrimination against women in situations of vulnerability, such as women living in poverty, migrant women, women with disabilities and women belonging to minorities;

18. *Decides* to establish, for a period of three years, a working group of five independent experts, of balanced geographical representation, on the issue of discrimination against women in law and in practice, whose tasks will be:

(*a*) To develop a dialogue with States, the relevant United Nations entities, national human rights institutions, experts on different legal systems, and civil society organizations to identify, promote and exchange views on best practices related to the elimination of laws that discriminate against women or are discriminatory to women in terms of implementation or impact and, in that regard, to prepare a compendium of best practices;

(*b*) To undertake a study, in cooperation with and reflecting the views of States and relevant United Nations entities, national human rights institutions and civil society organizations, on the ways and means in which the working group can cooperate with States to fulfil their commitments to eliminate discrimination against women in law and in practice;

(*c*) To make recommendations on the improvement of legislation and the implementation of the law, to contribute to the realization of the Millennium Development Goals, in particular goal 3 on the promotion of gender equality and the empowerment of women;

(*d*) To work in close coordination, in the context of the fulfilment of its mandate, with other special procedures and subsidiary organs of the Council, relevant United Nations entities, including the Commission on the Status of Women and UN Women and, in particular, the Committee on the Elimination of Discrimination against Women and other treaty bodies, within their respective mandates, with a view to avoiding unnecessary duplication;

(*e*) To take into account the views of other stakeholders, including relevant regional human rights mechanisms, national human rights institutions and civil society organizations;

[13] A/HRC/15/40.

(*f*) To submit an annual report to the Council, starting at its twentieth session, on the issue of discrimination against women in law and in practice, and on good practices in eliminating such discrimination, drawing upon the findings of the United Nations human rights machinery and the broader United Nations system;

19. *Calls upon* all States to cooperate with and assist the working group in its task, to supply all necessary available information requested by it and to give serious consideration to responding favourably to the requests of the working group to visit their countries, to enable it to fulfil its mandate effectively;

20. *Invites* relevant United Nations agencies, funds and programmes, treaty bodies and civil society actors, including non-governmental organizations, as well as the private sector, to cooperate fully with the working group in the fulfilment of its mandate;

21. *Requests* the working group to make its reports available to the General Assembly, the Commission on the Status of Women, UN Women and other relevant United Nations entities;

22. *Also requests* the working group to contribute to the provision of technical assistance or advisory services by the Office of the High Commissioner to better promote the elimination of discrimination against women;

23. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the necessary human resources and financial assistance to the working group for the effective fulfilment of its mandate;

24. *Decides* to continue consideration of this question in conformity with the annual programme of work of the Council.

33rd meeting
1 October 2010

[Adopted without a vote.]

15/26
Open-ended intergovernmental working group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies

The Human Rights Council,

Guided by the Charter of the United Nations,

Recalling all previous resolutions adopted by the General Assembly, the Council and the Commission on Human Rights on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, including Assembly resolution 62/145 of 18 December 2007,

1. *Takes note with appreciation* of the broad consultations held by the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, including the various regional governmental consultations for States on traditional and new forms of mercenary activities as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, in particular regarding the effects of the activities of private military and security companies on the enjoyment of human rights;

2. *Also takes note with appreciation* of the broad consultation process undertaken by the Working Group regarding the content and scope of a possible draft convention on private companies offering military assistance, consultancy and other military and security-related services on the international market, including a series of regional governmental consultations and consultations with intergovernmental and non-governmental organizations, academic institutions and experts;

3. *Takes note* of the principles and main elements of the proposed draft convention on private military and security companies presented by the Working Group, as contained in its report;[14]

4. *Decides*, for the purposes of transparency and inclusivity, to establish an open-ended intergovernmental working group with the mandate to consider the possibility of elaborating an international regulatory framework, including, inter alia, the option of elaborating a legally binding instrument on the regulation, monitoring and oversight of the activities of private military and security companies, including their accountability, taking into consideration the principles, main elements and draft text as proposed by the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination;

5. *Also decides* that the open-ended intergovernmental working group shall hold a session of five working days a year for a period of two years, and that its first session shall take place no later than May 2011;

6. *Further decides* that the open-ended intergovernmental working group shall present its recommendations at the twenty-first session of the Council;

7. *Affirms* the importance of providing the open-ended intergovernmental working group with the necessary expertise and expert advice to fulfil its mandate, and decides that the members of the Working Group on the use of mercenaries who were involved in the elaboration of the principles, main elements and draft text for a possible convention shall participate in the open-ended intergovernmental working group as resource persons;

8. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the open-ended intergovernmental working group with all the financial and human resources necessary for the fulfilment of its mandate.

34th meeting
1 October 2010

[Adopted by a recorded vote of 32 to 12, with 3 abstentions. The voting was as follows:

In favour:

Angola, Argentina, Bahrain, Bangladesh, Brazil, Burkina Faso, Cameroon, Chile, China, Cuba, Djibouti, Ecuador, Gabon, Ghana, Guatemala, Jordan, Kyrgyzstan, Libyan Arab Jamahiriya, Malaysia, Mauritania, Mauritius, Mexico, Nigeria, Pakistan, Qatar, Russian Federation, Saudi Arabia, Senegal, Thailand, Uganda, Uruguay, Zambia

Against:

Belgium, France, Hungary, Japan, Poland, Republic of Korea, Republic of Moldova, Slovakia, Spain, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining:

Maldives, Norway, Switzerland]

[14] A/HRC/15/25.

II. Resolutions

15/1
Follow-up to the report of the independent international fact-finding mission on the incident of the humanitarian flotilla

For the text of the resolution, see page 2 above.

15/2
Special Rapporteur on contemporary forms of slavery

The Human Rights Council,

Reaffirming the Universal Declaration of Human Rights, which states that no one shall be held in slavery or servitude and that slavery and the slave trade shall be prohibited in all their forms,

Recognizing the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 and the Forced Labour Convention, 1930 (No. 29), of the International Labour Organization, as well as other relevant international instruments which prohibit all forms of slavery and call upon Governments to eradicate such practices,

Recalling that the Durban Declaration and Programme of Action strongly condemned the fact that slavery and slavery-like practices still exist today in parts of the world and urged States to take immediate measures as a matter of priority to end such practices, which constitute flagrant violations of human rights,

Reaffirming Council resolution 6/14 of 28 September 2007,

Condemning contemporary forms of slavery, while acknowledging that it is a global issue that affects all continents and most countries of the world, and calling upon States to take appropriate measures as a matter of priority to end such practices,

Deeply concerned that the minimum estimate of the number of people in slavery is over 12 million and that the problem appears to be increasing,

Recognizing that broad international cooperation among States as well as between States and relevant intergovernmental and non-governmental organizations is essential for effectively countering contemporary forms of slavery,

Recalling Council resolution 5/1 entitled "Institution-building of the United Nations Human Rights Council" and Council resolution 5/2 entitled "Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council", of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with these resolutions and the annexes thereto,

Convinced that the issue of contemporary forms of slavery continues to require the attention of the Council,

Bearing in mind the United Nations Voluntary Fund on Contemporary Forms of Slavery and its importance for addressing the issues raised by the Special Rapporteur on contemporary forms of slavery,

1. *Welcomes* the work and takes note with appreciation of the reports of the Special Rapporteur on contemporary forms of slavery,[15] which focus on, inter alia, the issues of bonded labour and domestic servitude;

2. *Also welcomes* the cooperation of those States that have accepted requests for visits by the Special Rapporteur and have responded to her requests for information;

3. *Decides* to renew the mandate of the Special Rapporteur for a period of three years;

4. *Also decides* that the Special Rapporteur shall examine and report on all contemporary forms of slavery and slavery-like practices, but in particular those defined in the Slavery Convention of 1926 and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956, as well as all other issues covered previously by the Working Group on Contemporary Forms of Slavery; in the discharge of his/her mandate, the Special Rapporteur shall:

(*a*) Promote the effective application of relevant international norms and standards on slavery;

(*b*) Request, receive and exchange information on contemporary forms of slavery from Governments, treaty bodies, special procedures, specialized agencies, intergovernmental organizations, non-governmental organizations and other relevant sources, including on slavery practices and, as appropriate, and in line with the current practice, respond effectively to reliable information on alleged human rights violations with a view to protecting the human rights of victims of slavery and preventing violations;

(*c*) Recommend actions and measures applicable at the national, regional and international levels to eliminate slavery practices wherever they occur, including remedies which address the causes and consequences of contemporary forms of slavery, such as poverty, discrimination and conflict, as well as the existence of demand factors and relevant measures to strengthen international cooperation;

(*d*) Focus principally on aspects of contemporary forms of slavery which are not covered by existing mandates of the Human Rights Council;

5. *Requests* the Special Rapporteur, in carrying out his/her mandate, to continue:

(*a*) To give careful consideration to specific issues within the scope of the mandate and to include examples of effective practices as well as relevant recommendations;

(*b*) To take account of the gender and age dimensions of contemporary forms of slavery;

6. *Encourages* the Special Rapporteur to compile and analyse examples of national legislation relating to the prohibition of slavery and slavery-like practices in order to assist States in their national efforts to combat contemporary forms of slavery;

7. *Calls upon* all Governments to cooperate with and assist the Special Rapporteur in the performance of the tasks and duties mandated, to supply all necessary information requested by him/her and to give serious consideration to responding favourably to the Special Rapporteur's requests to visit their countries, so as to enable him/her to fulfil his/her mandate effectively;

8. *Encourages* the United Nations, including its specialized agencies, regional intergovernmental organizations, Governments, independent experts, interested institutions

[15] A/HRC/9/20, A/HRC/12/21 and Add.1 and A/HRC/15/20 and Add.1-4.

and non-governmental organizations to cooperate to the fullest extent possible with the Special Rapporteur in the fulfilment of his/her mandate;

9. *Encourages* the Special Rapporteur to continue to cooperate fully and effectively with all other relevant existing human rights mechanisms, taking full account of their contribution while avoiding duplication of their work;

10. *Requests* the Special Rapporteur to submit annual reports on the activities of the mandate to the Council, together with recommendations on measures that should be taken to combat and eradicate contemporary forms of slavery and slavery-like practices and to protect the human rights of victims of such practices;

11. *Requests* the Secretary-General to give the Special Rapporteur all necessary human and financial assistance, within existing resources, for the effective fulfilment of his/her mandate.

30th meeting
29 September 2010

[Adopted without a vote.]

15/3
Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

The Human Rights Council,

Guided by articles 7, 8, 9, 10 and 11 of the Universal Declaration of Human Rights and articles 2, 4, 9, 14 and 26 of the International Covenant on Civil and Political Rights, and bearing in mind the Vienna Declaration and Programme of Action,

Recalling the Basic Principles on the Independence of the Judiciary, the Basic Principles on the Role of Lawyers, the Guidelines on the Role of Prosecutors and the Bangalore Principles of Judicial Conduct,

Convinced that an independent and impartial judiciary, an independent legal profession, an objective and impartial prosecution able to perform its functions accordingly and the integrity of the judicial system are prerequisites for the protection of human rights and the application of the rule of law and for ensuring fair trials and that there is no discrimination in the administration of justice,

Recalling all its previous resolutions and decisions, as well as those of the Commission on Human Rights and the General Assembly, on the independence and impartiality of the judiciary and on the integrity of the judicial system,

Acknowledging the importance of the ability of the Special Rapporteur on the independence of judges and lawyers to cooperate closely, within the framework of his or her mandate, with the Office of the United Nations High Commissioner for Human Rights in the fields of advisory services and technical cooperation, in the effort to guarantee the independence of judges and lawyers,

Recognizing the importance of bar associations, professional associations of judges and non-governmental organizations in the defence of the principle of the independence of judges and lawyers,

Recalling that prosecutors shall, in accordance with the law, perform their duties fairly, consistently and expeditiously, and respect and protect human dignity and uphold

human rights, thus contributing to due process and the smooth functioning of the criminal justice system,

Emphasizing that judges, prosecutors and lawyers play a critical role in safeguarding the non-derogable right of freedom from torture and other cruel, inhuman or degrading treatment or punishment,

Recalling that it is essential to ensure that prosecutors possess the professional qualifications required for the performance of their functions through improved methods of recruitment and legal and professional training, and through the provision of all necessary means for the proper performance of their role in combating criminality,

Recalling also that every State should provide an effective framework of remedies to redress human rights grievances or violations and that the administration of justice, including law enforcement and prosecutorial agencies and, especially, an independent judiciary and legal profession in full conformity with applicable standards contained in international human rights instruments, is essential to the full and non-discriminatory realization of human rights and indispensable to the processes of democracy and sustainable development,

Noting with concern the increasingly frequent attacks on the independence of judges, lawyers, prosecutors and court officials,

Reaffirming Council resolution 8/6 of 18 June 2008 on the mandate of the Special Rapporteur on the independence of judges and lawyers,

1. *Encourages* States to take into consideration principles and individual and institutional parameters for effectively guaranteeing the independence of the judiciary and the free and independent functioning of lawyers and the legal profession, as contained in previous reports submitted by the Special Rapporteur on the independence of judges and lawyers to the Council[16] and the General Assembly;[17]

2. *Takes note with appreciation* of the latest report of the Special Rapporteur[18] on, inter alia, continuing education and training in international human rights as a crucial factor for the independence of judges and lawyers and for the objectivity and impartiality of prosecutors and their ability to perform their functions accordingly, and invites all Governments and competent national entities, such as bar associations, associations of magistrates and universities, to consider seriously the conclusions and recommendations made therein;

3. *Requests* the Special Rapporteur to carry out, within existing resources and with the support of the Office of the United Nations High Commissioner for Human Rights, a global thematic study to assess the human rights education and continuing training of judges, prosecutors, public defenders and lawyers, with recommendations for appropriate follow-up, and to present it to the Council at its twentieth session;

4. *Also requests* the Special Rapporteur to explore the need for, and where appropriate, elaborate on, additional individual and institutional parameters to ensure and strengthen the objectivity and impartiality of prosecutors and prosecutorial services and their ability to perform their functions accordingly in protecting human rights and promoting the fair administration of justice;

[16] A/HRC/11/41.
[17] A/64/181.
[18] A/HRC/14/26.

5. *Encourages* States to promote diversity in the composition of the members of the judiciary and to ensure that the requirements for joining the judiciary and the selection process thereof are non-discriminatory;

6. *Also encourages* States and invites competent national entities, such as bar associations, associations of magistrates and universities, to consider promoting the education and training of judges, prosecutors, public defenders and lawyers, and to ensure that the latter are informed as appropriate, on a regular basis, of new developments in international human rights law;

7. *Calls upon* all Governments to respect and uphold the independence of judges and lawyers and the objectivity and impartiality of prosecutors, and their ability to perform their functions accordingly, and, to those ends, take effective legislative, law enforcement and other appropriate measures that will enable them to carry out their professional duties without harassment or intimidation of any kind;

8. *Calls upon* States to protect judges, lawyers and prosecutors and their families against physical violence, threats, retaliation and harassment as a result of discharging their functions;

9. *Urges* all Governments to cooperate with and assist the Special Rapporteur in the performance of her tasks, to provide all information and to respond to communications transmitted to them by the Special Rapporteur without undue delay;

10. *Invites* the Special Rapporteur to collaborate with relevant stakeholders within the United Nations system in the areas pertaining to her mandate, including, where appropriate, the recently established Rule of Law Coordination and Resource Group;

11. *Calls upon* Governments to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries, and urges States to enter into a constructive dialogue with the Special Rapporteur with respect to the follow-up to and implementation of her recommendations to enable her to fulfil her mandate even more effectively;

12. *Encourages* the Special Rapporteur to continue to make concrete recommendations with regard to the protection and enhancement of the independence of judges, lawyers and court officials, as well as to the objectivity and impartiality of prosecutors and their ability to perform their functions, including through the provision of advisory services or technical assistance, in consultation with the Office of the High Commissioner, when they are requested by the State concerned;

13. *Also encourages* the Special Rapporteur to facilitate the provision of technical assistance, including through engagement with other relevant stakeholders;

14. *Encourages* Governments that face difficulties in guaranteeing the independence of judges and lawyers, the objectivity and impartiality of prosecutors and their ability to perform their functions accordingly, or that are determined to take measures to implement these principles further, to consult and to consider the services of the Special Rapporteur, for instance by inviting her to their country;

15. *Decides* to continue consideration of this issue in accordance with its annual programme of work.

30th meeting
29 September 2010

[Adopted without a vote.]

15/4
The right to education: follow-up to Human Rights Council resolution 8/4

The Human Rights Council,

Reaffirming its resolutions on the right to education, particularly resolution 8/4 of 18 June 2008 and resolution 11/6 of 17 June 2009, and recalling the resolutions adopted by the Commission on Human Rights on the subject,

Reaffirming also the human right of everyone to education, which is enshrined in, inter alia, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities and other relevant international instruments,

Mindful of recent significant developments and remaining challenges in the promotion and protection of economic, social and cultural rights, in particular the right to education, at the national, regional and international levels,

Deeply concerned that, on current trends, some key goals of the Education for All initiative agreed upon at the World Education Forum, held in Dakar in April 2000, will not be achieved by 2015, including the goal of universal primary education, despite progress made in recent years towards achieving such goals, and aware of the need to increase efforts in this regard at all levels,

Deeply concerned also that, according to the 2010 Education For All Global Monitoring Report of the United Nations Educational, Scientific and Cultural Organization, the global financial crisis could create a lost generation of children whose chances in life will have been irreparably damaged by a failure to protect their right to education,

Mindful of the role that the full realization of the right to education plays in helping to achieve the Millennium Development Goals,

Welcoming the "1Goal: Education for All", a joint initiative of the Global Campaign For Education and Fédération internationale de football association, including the holding of the World Cup Education Summit in Pretoria in July 2010,

Bearing in mind the adoption by the General Assembly of resolution 64/290 of 9 July 2010, on the right to education in emergency situations,

Stressing the need for adequate financial resources so that everyone can realize his or her right to education, and the importance in this regard of national resource mobilization, as well as international cooperation,

1. *Calls upon* all States to take all measures to implement Council resolutions 8/4 and 11/6 with a view to ensuring the full realization of the right to education for all;

2. *Takes note with appreciation* of:

(*a*) The report of the Special Rapporteur on the right to education on the right to education of migrants, refugees and asylum-seekers[19] and his interim report to the General Assembly;[20]

[19] A/HRC/14/25 and Corr.1 and Add.1-4.
[20] A/64/273.

(*b*) The work of the United Nations treaty bodies in the promotion of the right to education;

(*c*) The work undertaken by the Office of the United Nations High Commissioner for Human Rights in the promotion of the right to education at the country, regional and headquarters levels;

(*d*) The contribution of the United Nations Children's Fund and of the United Nations Educational, Scientific and Cultural Organization towards attaining the Millennium Development Goals of achieving universal primary education and eliminating gender disparity in education and the goals of the Education for All initiative, agreed upon at the World Education Forum;

(*e*) The work undertaken by the Office of the United Nations High Commissioner for Refugees in ensuring access to education for refugees and asylum-seekers in accordance with its mandate and relevant provisions of international refugee law;

3. *Urges* all relevant stakeholders to increase their efforts so that the goals of the Education for All initiative can be achieved by 2015, by, inter alia, tackling persistent economic and social inequalities, including on the basis of such factors as income, gender, location, ethnicity, language and disability, and notes the role that good governance can play in this regard;

4. *Encourages* all States to ensure the right to education, an imperative in its own right, of migrants, refugees and asylum-seekers, as well as of internally displaced persons, including, in accordance with their international obligations, by making every effort:

(*a*) To eliminate discrimination against such persons in their access to all types and levels of education;

(*b*) To foster the successful integration of such persons into the regular school system;

(*c*) To develop educational strategies that address the specific educational needs of such persons, including women, children and persons with disabilities;

(*d*) To promote and facilitate the access of such persons to education of good quality;

(*e*) To remove barriers to the education of such persons, including language barriers, by, inter alia, ensuring that education systems promote tolerance and respect diversity, in particular religious and cultural diversity, respect and promote human rights and provide for the necessary flexibility concerning documentation requirements for the purpose of participation or registration in the education system;

(*f*) To promote research on the educational experience and needs of such persons, and to develop or improve mechanisms to monitor their learning outcomes;

(*g*) To promote the development of regional and international qualification systems;

(*h*) To promote the recruitment of teachers from relevant backgrounds;

(*i*) To support teachers and other personnel working with such persons, by, inter alia, promoting the integration of intercultural education into teacher training;

(*j*) To include in the training of teachers and other education staff training related to dealing with traumatized learners, particularly in refugee and internal displacement contexts, as well as psychosocial support and expert counselling to teachers, refugees, asylum-seekers and internally displaced persons;

(*k*) To promote the participation of migrants, refugees, asylum-seekers and internally displaced persons in the planning, design, implementation and evaluation of relevant policies and programmes;

(*l*) To share best practices concerning the education of migrants, refugees, asylum-seekers and internally displaced persons;

5. *Urges* States to comply with their obligations under international human rights, refugee and humanitarian law relating to refugees, asylum-seekers and displaced persons, and urges the international community to provide them with protection and assistance in an equitable manner and with due regard to their needs in different parts of the world, in keeping with principles of international solidarity, burden-sharing and international cooperation, to share responsibilities;

6. *Urges* all States to take all measures necessary to promote lifelong education and learning in both formal and informal settings, including human rights education and training;

7. *Encourages* the Office of the High Commissioner, the treaty bodies, the special procedures of the Council and other relevant United Nations bodies and mechanisms, specialized agencies or programmes, within their respective mandates, to continue their efforts to promote the realization of the right to education worldwide and to enhance their cooperation in this regard, and, in this connection, encourages the Special Rapporteur on the right to education to facilitate, including through the engagement with relevant stakeholders, the provision of technical assistance in the area of the right to education;

8. *Decides* to remain seized of the matter.

30th meeting
29 September 2010

[Adopted without a vote.]

15/5
Forensic genetics and human rights

The Human Rights Council,

Taking into account its resolution 10/26 of 27 March 2009 on forensic genetics and human rights,

Taking into account also Commission on Human Rights resolution 2005/66 of 20 April 2005, Council decision 2/105 of 27 November 2006, Council resolutions 9/11 of 24 September 2008 and 12/12 of 1 October 2009, as well as the reports of the Office of the United Nations High Commissioner for Human Rights on the right to the truth,[21]

Noting the general comment of the Working Group on Enforced or Involuntary Disappearances on the right to the truth with regard to enforced disappearances, in which the Working Group highlighted the importance of identifying the victims of enforced disappearances through, among other methods, DNA analysis,

1. *Encourages* States to consider the use of forensic genetics to contribute to the identification of the remains of victims of serious violations of human rights and of international humanitarian law, and to address the issue of impunity;

[21] E/CN.4/2006/91, A/HRC/5/7, A/HRC/12/19 and A/HRC/15/33.

2. *Also encourages* States to consider the use of forensic genetics to contribute to the restoration of identity to those persons who were separated from their families, including those taken away from their relatives when they were children, in situations of serious violations of human rights and, in the context of armed conflicts, of violations of international humanitarian law;

3. *Stresses* the importance of providing the results of investigations of forensic genetics to national authorities, in particular, where appropriate, to competent judicial authorities;

4. *Welcomes* the increasing use of forensic genetics in the investigation of serious violations of human rights and international humanitarian law, and calls for further cooperation between States, intergovernmental organizations and non-governmental organizations in planning and conducting such investigations consistent with applicable domestic and international law;

5. *Encourages* States to consider the use of forensic genetics to be applied pursuant to the international standards accepted by the scientific community in relation to quality assurance and control, and to ensure, where appropriate, the utmost respect for the principles of protection and confidentiality of information and restricted access to such information in accordance with domestic law, and recognizes that many States have domestic legislation in place designed to protect the privacy of individuals;

6. *Takes note with appreciation* of the report of the Office of the United Nations High Commissioner for Human Rights on forensic genetics and human rights,[22] in particular its conclusions;

7. *Requests* the High Commissioner to submit a report, within existing resources, to be presented to the Council at its eighteenth session, on the obligation of States to investigate serious violations of human rights and international humanitarian law in accordance with their international legal commitments in terms of identifying victims of such violations, including through the use of forensic genetics, with a view to considering further the possibility of drafting a manual that may serve as a guide for the most effective application of forensic genetics, including, where appropriate, the voluntary creation and operation of genetic banks, with the proper safeguards;

8. *Decides* to consider this matter at its eighteenth session under the same agenda item.

30th meeting
29 September 2010

[Adopted without a vote.]

15/6
Follow-up to the report of the Committee of independent experts in international humanitarian and human rights law established pursuant to Council resolution 13/9

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,

[22] A/HRC/15/26.

Recalling its relevant resolutions, including resolutions S-9/1 of 12 January 2009, S-12/1 of 16 October 2009 and 13/9 of 25 March 2010, adopted in follow-up to the human rights situation in the Occupied Palestinian Territory, including East Jerusalem, and the report of the United Nations Independent International Fact-Finding Mission on the Gaza Conflict,[23]

Recalling also relevant General Assembly resolutions, including resolutions 64/10 of 5 November 2009 and 64/254 of 26 February 2010, adopted in follow-up to the report of the Fact-Finding Mission,

Recalling further relevant rules and principles of international law, including international humanitarian law and international human rights law, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, applicable to the Occupied Palestinian Territory, including East Jerusalem,

Recalling the Universal Declaration of Human Rights and other international human rights instruments, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child,

Reaffirming the obligation of all parties to respect international humanitarian law and international human rights law,

Reiterating the importance of the safety and well-being of all civilians, and reaffirming the obligation of the international community to ensure the protection of civilians in armed conflicts,

Stressing the need to ensure accountability for all violations of international humanitarian law and international human rights law in order to prevent impunity, ensure justice, deter further violations and promote peace,

1. *Takes note* of the report of the Secretary-General,[24] and requests the Secretary-General to follow up on the implementation of the recommendations contained in the report of the United Nations Independent International Fact-Finding Mission on the Gaza Conflict,[23] in accordance with Human Rights Council resolution S-12/1;

2. *Also takes note* of the report of the United Nations High Commissioner for Human Rights,[25] and requests the High Commissioner to follow up on the implementation of the recommendations contained in the report of the Fact-Finding Mission, in accordance with Human Rights Council resolution S-12/1;

3. *Welcomes* the report of the Committee of independent experts in international humanitarian and human rights law to monitor and assess any domestic, legal or other proceedings undertaken by both the Government of Israel and the Palestinian side, including the independence, effectiveness and genuineness of these investigations and their conformity with international standards;[26]

4. *Warmly welcomes* the cooperation of the Palestinian National Authority with the Committee of independent experts, and the report submitted to the Secretary-General on the investigations carried out by the Palestinian Independent Investigation Commission established pursuant to the Goldstone report;[27]

[23] A/HRC/12/48.
[24] A/HRC/15/51.
[25] A/HRC/15/52.
[26] A/HRC/15/50.
[27] See A/64/890, annex II.

5. *Urges* the Palestinian Independent Investigation Commission to complete its investigations in order to cover the allegations relating to the occupied Gaza Strip, as contained in the report of the Fact-Finding Mission;

6. *Condemns* the non-cooperation by Israel, the occupying Power, which hampered the assessment by the Committee of independent experts of Israel's response to the call by the General Assembly and the Council to conduct investigations that are independent, credible and in conformity with international standards;

7. *Urges* Israel, the occupying Power, in compliance with its duties to complete investigations in conformity with international standards of independence, thoroughness, effectiveness and promptness into the serious violations of international humanitarian law and international human rights law reported by the Fact-Finding Mission;

8. *Decides* to renew and resume the mandate of the Committee of independent experts, established pursuant to Council resolution 13/9, and requests the Committee to submit its report to the Council at its sixteenth session, and requests the High Commissioner to continue to provide the members of the Committee with all administrative, technical and logistic assistance required to enable them to fulfil their mandate promptly and efficiently;

9. *Requests* the High Commissioner to present a report on the implementation of the present resolution to the Council at its sixteenth session;

10. *Decides* to remain seized of this matter.

30th meeting
29 September 2010

[Adopted by a recorded vote of 27 to 1, with 19 abstentions. The voting was as follows:

In favour:

Angola, Argentina, Bahrain, Bangladesh, Brazil, China, Cuba, Djibouti, Ecuador, Gabon, Ghana, Jordan, Kyrgyzstan, Libyan Arab Jamahiriya, Malaysia, Maldives, Mauritania, Mauritius, Nigeria, Pakistan, Qatar, Russian Federation, Saudi Arabia, Senegal, Thailand, Uganda, Uruguay

Against:

United States of America

Abstaining:

Belgium, Burkina Faso, Cameroon, Chile, France, Guatemala, Hungary, Japan, Mexico, Norway, Poland, Republic of Korea, Republic of Moldova, Slovakia, Spain, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, Zambia]

15/7
Human rights and indigenous peoples

For the text of the resolution, see page 3 above.

15/8
Adequate housing as a component of the right to an adequate standard of living

The Human Rights Council,

Reaffirming all its previous resolutions as well as those adopted by the Commission on Human Rights on the issue of adequate housing as a component of the right to an adequate standard of living, including Council resolution 6/27 of 14 December 2007,

Reaffirming also that international human rights law instruments, including the International Covenant on Economic, Social and Cultural Rights and the Universal Declaration of Human Rights, entail obligations and commitments of States parties in relation to access to adequate housing,

Recalling its resolutions 5/1 on institution-building of the Human Rights Council and 5/2 on the code of conduct for special procedures mandate holders of the Human Rights Council, of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

Recalling also the principles and commitments with regard to adequate housing enshrined in the relevant provisions of declarations and programmes adopted by major United Nations conferences and summits and at special sessions of the General Assembly and at their follow-up meetings, inter alia, the Istanbul Declaration on Human Settlements and the Habitat Agenda[28] and the Declaration on Cities and Other Human Settlements in the New Millennium, adopted at the twenty-fifth special session of the Assembly and annexed to its resolution S-25/2 of 9 June 2001,

Concerned that any deterioration in the general housing situation disproportionally affects persons living in conditions of poverty, low-income earners, women, children, persons belonging to minorities and indigenous peoples, migrants, the elderly and persons with disabilities,

Noting the work of the United Nations treaty bodies, in particular the Committee on Economic, Social and Cultural Rights, in the promotion of the rights related to adequate housing, including its general comments Nos. 4, 7, 9 and 16,

1. *Acknowledges with appreciation* the work of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, including the undertaking of country missions;

2. *Decides* to extend for a period of three years the mandate of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, in order that he or she may, inter alia:

(*a*) Promote the full realization of the right to adequate housing as a component of the right to an adequate standard of living;

(*b*) Identify best practices as well as challenges and obstacles to the full realization of the right to adequate housing, and identify protection gaps in this regard;

(*c*) Give particular emphasis to practical solutions with regard to the implementation of the rights relevant to the mandate;

(*d*) Apply a gender perspective, including through the identification of gender-specific challenges to the realization of the right to adequate housing;

[28] A/CONF.165/14.

(*e*) Pay special attention to the needs of persons in vulnerable situations as well as those belonging to marginalized groups;

(*f*) Facilitate the provision of technical assistance, including through engagement with relevant stakeholders;

(*g*) Work in close cooperation, while avoiding unnecessary duplication, with other special procedures and subsidiary organs of the Council, relevant United Nations bodies, the treaty bodies and regional human rights mechanisms;

(*h*) Submit a regular report on the implementation of his or her mandate to the Council and the General Assembly in accordance with their annual programme of work;

3. *Notes* the work on the basic principles and guidelines on development-based evictions and displacement and the need to continue to work on them, including through consultations with States and other stakeholders;

4. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all necessary assistance to the Special Rapporteur for the effective fulfilment of his or her mandate;

5. *Notes with appreciation* the cooperation extended to date to the Special Rapporteur by different actors, and calls upon States:

(*a*) To continue to cooperate with the Special Rapporteur in the discharge of his or her mandate and to respond favourably to his or her requests for information and visits;

(*b*) To enter into a constructive dialogue with the Special Rapporteur with respect to the follow-up to and implementation of his or her recommendations;

6. *Decides* to continue its consideration of this matter under the same agenda item.

31st meeting
30 September 2010

[Adopted without a vote.]

15/9
Human rights and access to safe drinking water and sanitation

The Human Rights Council,

Reaffirming all previous resolutions of the Council on human rights and access to safe drinking water and sanitation, in particular resolution 7/22 of 28 March 2008 and resolution 12/8 of 1 October 2009,

Recalling the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities,

Recalling also relevant provisions of declarations and programmes with regard to access to safe drinking water and sanitation adopted by major United Nations conferences and summits, and by the General Assembly at its special sessions and during follow-up meetings, inter alia, the Mar del Plata Action Plan on Water and Development and Administration, adopted at the United Nations Water Conference in March 1977, Agenda

21 and the Rio Declaration on Environment and Development, adopted at the United Nations Conference on Environment and Development in June 1992, and the Habitat Agenda, adopted at the second United Nations Conference on Human Settlements in 1996, Assembly resolutions 54/175 of 17 December 1999 on the right to development, and 58/271 of 23 December 2003 proclaiming the International Decade for Action, "Water for Life" (2005-2015),

Noting with interest regional commitments and initiatives promoting the further realization of human rights obligations related to access to safe drinking water and sanitation, including the Protocol on Water and Health, adopted by the Economic Commission for Europe in 1999, the European Charter on Water Resources, adopted by the Council of Europe in 2001, the Abuja Declaration, adopted at the first Africa-South America summit in 2006, the message from Beppu, adopted at the first Asian-Pacific Water Summit in 2007, the Delhi Declaration, adopted at the third South Asian Conference on Sanitation in 2008, and the Sharm el-Sheikh Final Document, adopted at the Fifteenth Summit Conference of Heads of State and Government of the Movement of Non-Aligned Countries in 2009,

Bearing in mind the commitments made by the international community to achieve fully the Millennium Development Goals, and stressing, in that context, the resolve of Heads of State and Government, as expressed in the United Nations Millennium Declaration, to halve, by 2015, the proportion of people unable to reach or afford safe drinking water, and to halve the proportion of people without access to basic sanitation, as agreed in the Plan of Implementation of the World Summit on Sustainable Development ("Johannesburg Plan of Implementation"),

Deeply concerned that approximately 884 million people lack access to improved water sources as defined by the World Health Organization and the United Nations Children's Fund in their 2010 Joint Monitoring Programme report, and that over 2.6 billion people do not have access to basic sanitation, and alarmed that approximately 1.5 million children under 5 years of age die and 443 million school days are lost every year as a result of water and sanitation-related diseases,

Reaffirming the fact that international human rights law instruments, including the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities entail obligations for States parties in relation to access to safe drinking water and sanitation,

Recalling resolution 8/7 of 18 June 2008, in which the Council established the mandate of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises,

1. *Welcomes* the work of the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation, including the progress in collecting good practices for her compendium,[29] and the comprehensive, transparent and inclusive consultations conducted with relevant and interested actors from all regions for her thematic reports, as well as the undertaking of country missions;

2. *Recalls* General Assembly resolution 64/292 of 28 July 2010, in which the Assembly recognized the right to safe and clean drinking water and sanitation as a human right that is essential for the full enjoyment of life and all human rights;

3. *Affirms* that the human right to safe drinking water and sanitation is derived from the right to an adequate standard of living and inextricably related to the right to the

[29] A/HRC/15/31/Add.1.

highest attainable standard of physical and mental health, as well as the right to life and human dignity;

4. *Calls upon* the independent expert to continue to pursue her work regarding all aspects of her mandate, including to clarify further the content of human rights obligations, including non-discrimination obligations in relation to safe drinking water and sanitation, in coordination with States, United Nations bodies and agencies, and relevant stakeholders;

5. *Acknowledges with appreciation* the second annual report of the independent expert[30] and takes note with interest of her recommendations and clarifications with regard to both the human rights obligations of States and the human rights responsibilities of non-State service providers in the delivery of water and sanitation services;

6. *Reaffirms* that States have the primary responsibility to ensure the full realization of all human rights, and that the delegation of the delivery of safe drinking water and/or sanitation services to a third party does not exempt the State from its human rights obligations;

7. *Recognizes* that States, in accordance with their laws, regulations and public policies, may opt to involve non-State actors in the provision of safe drinking water and sanitation services and, regardless of the form of provision, should ensure transparency, non-discrimination and accountability;

8. *Calls upon* States:

(*a*) To develop appropriate tools and mechanisms, which may encompass legislation, comprehensive plans and strategies for the sector, including financial ones, to achieve progressively the full realization of human rights obligations related to access to safe drinking water and sanitation, including in currently unserved and underserved areas;

(*b*) To ensure full transparency of the planning and implementation process in the provision of safe drinking water and sanitation and the active, free and meaningful participation of the concerned local communities and relevant stakeholders therein;

(*c*) To pay particular attention to persons belonging to vulnerable and marginalized groups, including by respecting the principles of non-discrimination and gender equality;

(*d*) To integrate human rights into impact assessments throughout the process of ensuring service provision, as appropriate;

(*e*) To adopt and implement effective regulatory frameworks for all service providers in line with the human rights obligations of States, and to allow public regulatory institutions of sufficient capacity to monitor and enforce those regulations;

(*f*) To ensure effective remedies for human rights violations by putting in place accessible accountability mechanisms at the appropriate level;

9. *Recalls* that States should ensure that non-State service providers:

(*a*) Fulfil their human rights responsibilities throughout their work processes, including by engaging proactively with the State and stakeholders to detect potential human rights abuses and find solutions to address them;

(*b*) Contribute to the provision of a regular supply of safe, acceptable, accessible and affordable drinking water and sanitation services of good quality and sufficient quantity;

[30] A/HRC/15/31.

(*c*) Integrate human rights into impact assessments as appropriate, in order to identify and help address human rights challenges;

(*d*) Develop effective organizational-level grievance mechanisms for users, and refrain from obstructing access to State-based accountability mechanisms;

10. *Stresses* the important role of the international cooperation and technical assistance provided by States, specialized agencies of the United Nations system, international and development partners as well as by donor agencies, in particular in the timely achievement of the relevant Millennium Development Goals, and urges development partners to adopt a human rights-based approach when designing and implementing development programmes in support of national initiatives and action plans related to the enjoyment of access to safe drinking water and sanitation;

11. *Requests* the independent expert to continue to report, on an annual basis, to the Council and to submit an annual report to the General Assembly;

12. *Requests* the United Nations High Commissioner for Human Rights to continue to ensure that the independent expert receives the resources necessary to enable her to discharge her mandate fully;

13. *Decides* to continue its consideration of this matter under the same agenda item and in accordance with its programme of work.

31st meeting
30 September 2010

[Adopted without a vote.]

15/10
Elimination of discrimination against persons affected by leprosy and their family members

For the text of the resolution, see page 5 above.

15/11
World Programme for Human Rights Education: adoption of the plan of action for the second phase

The Human Rights Council,

Reaffirming that States are duty-bound, as stipulated in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights and in other international human rights instruments, to ensure that education is aimed at strengthening the respect of human rights and fundamental freedoms,

Recalling General Assembly resolutions 43/128 of 8 December 1988, by which the Assembly launched the World Public Information Campaign on Human Rights, 59/113 A of 10 December 2004, 59/113 B of 14 July 2005 and 60/251 of 15 March 2006, in which the Assembly decided, inter alia, that the Council should promote human rights education and learning, Commission on Human Rights resolution 2005/61 of 20 April 2005 and Subcommission for the Promotion and Protection of Human Rights resolution 2006/19 of 24 August 2006 on the World Programme for Human Rights Education, structured in consecutive phases,

Recalling also Council resolutions 6/9 and 6/24 of 28 September 2007, 9/12 of 24 September 2008, 10/3 of 25 March 2009 and 12/4 of 1 October 2009,

Recalling further that the World Programme is structured on an ongoing series of consecutive phases, intended as a comprehensive process, including formal and informal education and training, and that, in accordance with the World Programme, Member States should continue the implementation of human rights education in primary and secondary school systems, while taking the necessary measures to implement the World Programme according to its new focus on human rights education for higher education and on human rights training programmes for teachers and educators, civil servants, law enforcement officials and military personnel at all levels,

1. *Takes notes with appreciation* of the draft plan of action for the second phase of the World Programme for Human Rights Education (2010-2014),[31] prepared by the Office of the United Nations High Commissioner for Human Rights in consultation with Member States and in cooperation with relevant intergovernmental organizations, in particular the United Nations Educational, Scientific and Cultural Organization and non-governmental actors;

2. *Adopts* the plan of action for the second phase (2010-2014) of the World Programme for Human Rights Education;

3. *Encourages* all States and, where appropriate, relevant stakeholders to develop initiatives within the World Programme and, in particular, to implement, within their capabilities, the plan of action;

4. *Requests* the Office of the High Commissioner, in close cooperation with the United Nations Educational, Scientific and Cultural Organization, to promote the national implementation, as appropriate, of the plan of action, provide relevant technical assistance, when requested, and coordinate related international efforts;

5. *Appeals* to relevant organs, bodies or agencies of the United Nations system, as well as all other international and regional intergovernmental and non-governmental organizations, within their respective mandates, to promote and provide technical assistance, when requested, for the national implementation of the plan of action;

6. *Calls upon* all existing national human rights institutions to assist in the implementation of human rights education programmes consistent with the plan of action;

7. *Requests* the Office of the High Commissioner and the United Nations Educational, Scientific and Cultural Organization to disseminate the plan of action widely among States and intergovernmental and non-governmental organizations;

8. *Decides* to follow up on the implementation of the World Programme under the same agenda item in 2012, and requests the Office of the High Commissioner to prepare, within existing resources, a progress report on the implementation of the World Programme and to submit it to the Council at its last session in 2012.

31st meeting
30 September 2010

[Adopted without a vote.]

[31] A/HRC/15/28.

15/12
The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

The Human Rights Council,

Recalling all previous resolutions adopted by the General Assembly, the Human Rights Council and the Commission on Human Rights on the subject, including General Assembly resolution 64/151 of 18 December 2009 and Council resolution 10/11 of 26 March 2009,

Recalling also all relevant resolutions that, inter alia, condemn any State that permits or tolerates the recruitment, financing, training, assembly, transit or use of mercenaries with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, or of fighting against national liberation movements, and recalling further the relevant resolutions and international instruments adopted by the General Assembly, the Security Council, the Economic and Social Council, the African Union and the Organization of African Unity, inter alia, the Organization of African Unity Convention for the elimination of mercenarism in Africa,

Reaffirming the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, the territorial integrity of States, the self-determination of peoples, the non-use of force or threat of use of force in international relations and non-interference in affairs within the domestic jurisdiction of States,

Reaffirming also that, by virtue of the principle of self-determination, all peoples have the right to determine freely their political status and to pursue freely their economic, social and cultural development,

Reaffirming further the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,

Alarmed and concerned about the threat posed by the activities of mercenaries to peace and security in developing countries in various parts of the world, in particular in areas of conflict,

Deeply concerned at the loss of life, the substantial damage to property and the negative effects on the policy and economies of affected countries resulting from mercenary international criminal activities,

Extremely alarmed and concerned about recent mercenary activities in developing countries in various parts of the world, in particular in areas of conflict, and the threat they pose to the integrity and respect of the constitutional order of the affected countries,

Convinced that, notwithstanding the way in which mercenaries or mercenary-related activities are used or the form they take to acquire a semblance of legitimacy, they are a threat to peace, security and the self-determination of peoples and an obstacle to the enjoyment of human rights by peoples,

1. *Reaffirms* that the use of mercenaries and their recruitment, financing, protection and training are causes for grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations;

2. *Recognizes* that armed conflicts, terrorism, arms trafficking and covert operations by third Powers, inter alia, encourage the demand for mercenaries on the global market;

3. *Urges* all States to take the necessary steps and to exercise the utmost vigilance against the menace posed by the activities of mercenaries, and to take legislative measures to ensure that their territories and other territories under their control, as well as their nationals, are not used for the recruitment, assembly, financing, training, protection and transit of mercenaries for the planning of activities designed to impede the right to self-determination, to overthrow the Government of any State or to dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the right to self-determination of peoples;

4. *Requests* all States to exercise the utmost vigilance against any kind of recruitment, training, hiring or financing of mercenaries by private companies offering international military consultancy and security services, and to impose a specific ban on such companies intervening in armed conflicts or actions to destabilize constitutional regimes;

5. *Calls upon* all States that have not yet become parties to the International Convention against the Recruitment, Use, Financing and Training of Mercenaries to consider taking the necessary action to do so;

6. *Welcomes* the cooperation extended by those countries that received a visit by the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, and the adoption by some States of national legislation that restricts the recruitment, assembly, financing, training and transit of mercenaries;

7. *Invites* States to investigate the possibility of mercenary involvement whenever and wherever criminal acts of a terrorist nature occur;

8. *Condemns* mercenary activities in developing countries in various parts of the world, in particular in areas of conflict, and the threat they pose to the integrity of and respect for the constitutional order of these countries and the exercise of the right to self-determination of their peoples;

9. *Calls upon* the international community and all States, in accordance with their obligations under international law, to cooperate with and assist the judicial prosecution of those accused of mercenary activities in transparent, open and fair trials;

10. *Acknowledges with appreciation* the work and contributions made by the Working Group, and takes note of its latest report;[32]

11. *Decides* to renew, for a period of three years, the mandate of the Working Group, to continue to undertake the tasks contained in resolution 7/21 of 28 March 2008, as well as in all other relevant resolutions on the subject;

12. *Requests* the Working Group to continue the work already done by previous special rapporteurs on the strengthening of the international legal framework for the prevention and sanction of the recruitment, use, financing and training of mercenaries, taking into account the proposal for a new legal definition of a mercenary drafted by the Special Rapporteur in his report submitted to the Commission on Human Rights at its sixtieth session;[33]

13. *Requests* the Office of the United Nations High Commissioner for Human Rights, as a matter of priority, to publicize the adverse effects of the activities of mercenaries and private companies offering military assistance, consultancy and other military and security-related services on the international market on the right of peoples to

[32] A/HRC/15/25 and Add.1-6.
[33] E/CN.4/2004/15.

self-determination and, when requested and where necessary, to render advisory services to States that are affected by those activities;

14. *Requests* the Working Group to continue to monitor mercenaries and mercenary-related activities in all their forms and manifestations, including private military and security companies, in different parts of the world, including instances of protection provided by Governments to individuals involved in mercenary activities;

15. *Also requests* the Working Group to continue to study and identify sources and causes, emerging issues, manifestations and trends regarding mercenaries or mercenary-related activities and their impact on human rights, particularly on the right of peoples to self determination;

16. *Expresses its appreciation* to the Office of the High Commissioner for its support for the holding of five regional governmental consultations for States on traditional and new forms of mercenary activities as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, in particular regarding the effects of the activities of private military and security companies on the enjoyment of human rights;

17. *Urges* all States to cooperate fully with the Working Group in the fulfilment of its mandate;

18. *Requests* the Secretary-General and the High Commissioner to provide the Working Group with all the assistance and support necessary for the fulfilment of its mandate, both professional and financial, including through the promotion of cooperation between the Working Group and other components of the United Nations system that deal with countering mercenary-related activities, in order to meet the demands of its current and future activities;

19. *Requests* the Working Group to consult States, intergovernmental organizations, non-governmental organizations and other relevant actors of civil society in the implementation of the present resolution and to report its findings on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination to the General Assembly at its sixty-sixth session and to the Council at its eighteenth session;

20. *Decides* to continue its consideration of this matter under the same agenda item at its eighteenth session.

31st meeting
30 September 2010

[Adopted by a recorded vote of 31 to 13, with 2 abstentions. The voting was as follows:

In favour:

Angola, Argentina, Bahrain, Bangladesh, Brazil, Burkina Faso, Cameroon, Chile, China, Cuba, Djibouti, Ecuador, Gabon, Ghana, Guatemala, Jordan, Kyrgyzstan, Libyan Arab Jamahiriya, Malaysia, Mauritius, Mexico, Nigeria, Pakistan, Qatar, Russian Federation, Saudi Arabia, Senegal, Thailand, Uganda, Uruguay, Zambia

Against:

Belgium, France, Hungary, Japan, Norway, Poland, Republic of Korea, Republic of Moldova, Slovakia, Spain, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining:

Maldives, Switzerland]

15/13
Human rights and international solidarity

The Human Rights Council,

Reaffirming all previous resolutions adopted by the Commission on Human Rights and the Council on the issue of the human rights and international solidarity, including Commission resolution 2005/55 of 20 April 2005 and Council resolutions 6/3 of 27 September 2007, 7/5 of 27 March 2008, 9/2 of 24 September 2008 and 12/9 of 1 October 2009, and taking note of the reports submitted by the independent expert on human rights and international solidarity, in particular his latest report,[34]

Underlining the fact that the processes of promoting and protecting human rights should be conducted in conformity with the purposes and principles of the Charter of the United Nations and international law,

Recalling that, at the World Conference on Human Rights, held in June 1993, States pledged to cooperate with each other in ensuring development and eliminating obstacles to development, and stressed that the international community should promote effective international cooperation for the realization of the right to development and the elimination of obstacles to development,

Reaffirming the fact that article 4 of the Declaration on the Right to Development states that sustained action is required to promote more rapid development of developing countries and, as a complement to the efforts of developing countries, effective international cooperation is essential in order to provide these countries with the appropriate means and facilities to foster their comprehensive development,

Taking into account the fact that article 2 of the International Covenant on Economic, Social and Cultural Rights states that each State party to the Covenant undertakes to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the Covenant by all appropriate means, including, in particular, the adoption of legislative measures,

Persuaded that sustainable development can be promoted by peaceful coexistence, friendly relations and cooperation among States with different social, economic or political systems,

Reaffirming the fact that the widening gap between the economically developed and developing countries is unsustainable and that it impedes the realization of human rights in the international community, and makes it all the more imperative for every nation, according to its capacities, to make the maximum possible effort to close this gap,

Expressing its concern at the fact that the immense benefits resulting from the process of globalization and economic interdependence have not reached all countries, communities and individuals, and at the increasing marginalization from their benefits of several countries, particularly least developed and African countries,

Expressing its deep concern at the number and scale of natural disasters, diseases and agricultural pests and their increasing impact in recent years, which have resulted in a massive loss of life and long-term negative social, economic and environmental consequences for vulnerable societies throughout the world, in particular in developing countries,

[34] A/HRC/15/32.

Reaffirming the crucial importance of increasing the resources allocated for official development assistance, recalling the pledge of industrialized countries to allocate 0.7 per cent of their gross national product for official development assistance, and recognizing the need for new and additional resources to finance the development programmes of developing countries,

Reaffirming also that the achievement of the Millennium Development Goals and the realization of the right to development call for a more enlightened approach, mindset and action based on a sense of community and international solidarity,

Determined to take new steps forward in the commitment of the international community with a view to achieving substantial progress in human rights endeavours by an increased and sustained effort of international cooperation and solidarity,

Asserting the necessity of establishing new, equitable and global links of partnership and intra-generational solidarity for the perpetuation of humankind,

Recognizing that the attention paid to the importance of international solidarity as a vital component of the efforts made by developing countries to realize the right to development of their peoples and to promote the full enjoyment of economic, social and cultural rights by everyone has been insufficient,

Resolved to strive to ensure that present generations are fully aware of their responsibilities towards future ones, and that a better world is possible for both present and future generations,

1. *Reaffirms* the recognition set forth in the declaration adopted by the Heads of State and Government at the Millennium Summit of the fundamental value of solidarity to international relations in the twenty-first century, in stating that global challenges must be managed in a way that distributes costs and burdens fairly, in accordance with basic principles of equity and social justice, and that those who suffer, or who benefit least, deserve help from those who benefit most;

2. *Affirms* that international solidarity is not limited to international assistance and cooperation, aid, charity or humanitarian assistance; it is a broader concept and principle that includes sustainability in international relations, especially international economic relations, the peaceful coexistence of all members of the international community, equal partnerships and the equitable sharing of benefits and burdens;

3. *Expresses its determination* to contribute to the solution of current world problems through increased international cooperation, to create conditions that will ensure that the needs and interests of future generations are not jeopardized by the burden of the past, and to hand over a better world to future generations;

4. *Urges* the international community to consider urgently concrete measures to promote and consolidate international assistance to developing countries in their development endeavours and for the promotion of conditions conducive to the full realization of all human rights;

5. *Calls upon* the international community to promote international solidarity and cooperation as an important tool to help to overcome the negative effects of the current economic, financial and climate crises, particularly in developing countries;

6. *Reaffirms* that the promotion of international cooperation is a duty for States, that it should be implemented without any conditionality and on the basis of mutual respect, in full compliance with the principles and purposes of the Charter of the United Nations, in particular respect for the sovereignty of States, and taking into account national priorities;

7. *Affirms* that much more is needed, owing to the magnitude of global and local challenges, the alarming increase in natural and man-made disasters, and the continuing rises in poverty and inequality; ideally, solidarity should be preventive rather than simply reactive to massive irreversible damage already caused, and must address both natural and man-made disasters;

8. *Recognizes* that there is an overwhelming manifestation of solidarity by States, individually and collectively, civil society, global social movements, and countless people of goodwill reaching out to others;

9. *Also recognizes* that the so-called "third-generation rights" closely interrelated to the fundamental value of solidarity need further progressive development within the United Nations human rights machinery in order to be able to respond to the increasing challenges of international cooperation in this field;

10. *Requests* all States, United Nations agencies, other relevant international organizations and non-governmental organizations to mainstream the right of peoples and individuals to international solidarity in their activities, and to cooperate with the independent expert on human rights and international solidarity in his mandate, to supply all necessary information requested by him and to give serious consideration to responding favourably to his requests to visit their country, to enable him to fulfil his mandate effectively;

11. *Welcomes* the steps taken by the independent expert to identify the primary areas to be addressed, the main concepts and norms that can form the basis of a framework, and good practices to inform the future development of law and policy with regard to human rights and international solidarity;

12. *Requests* the independent expert to continue his work in the preparation of a draft declaration on the right of peoples and individuals to international solidarity, and in further developing guidelines, standards, norms and principles with a view to promoting and protecting this right, by addressing, inter alia, existing and emerging obstacles to its realization;

13. *Also requests* the independent expert to take into account the outcomes of all major United Nations and other global summits and ministerial meetings in the economic, social and climate fields and to seek views and contributions from Governments, United Nations agencies, other relevant international organizations and non-governmental organizations in the discharge of his mandate;

14. *Reiterates its requests* to the Human Rights Council Advisory Committee to prepare, in close cooperation with the independent expert, inputs to contribute to the elaboration of the draft declaration on the right of peoples and individuals to international solidarity, and to the further development of guidelines, standards, norms and principles with a view to promoting and protecting this right;

15. *Requests* the independent expert to submit a report on the implementation of the present resolution to the Council at its eighteenth session;

16. *Decides* to continue its examination of this issue at its eighteenth session under the same agenda item.

31st meeting
30 September 2010

[Adopted by a recorded vote of 32 to 14, with no abstentions. The voting was as follows:

In favour:

Angola, Argentina, Bahrain, Bangladesh, Brazil, Burkina Faso, Cameroon, Chile, China, Cuba, Djibouti, Ecuador, Gabon, Ghana, Guatemala, Jordan, Libyan Arab Jamahiriya, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Pakistan, Qatar, Russian Federation, Saudi Arabia, Senegal, Thailand, Uganda, Uruguay, Zambia

Against:

Belgium, France, Hungary, Japan, Norway, Poland, Republic of Korea, Republic of Moldova, Slovakia, Spain, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America]

15/14
Human rights and indigenous peoples: mandate of the Special Rapporteur on the rights of indigenous peoples

The Human Rights Council,

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

Recalling resolution 5/1 entitled "Institution-building of the United Nations Human Rights Council" and resolution 5/2 entitled "Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council", of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with these resolutions and the annexes thereto,

Recalling also Commission on Human Rights resolutions 2001/57 of 24 April 2001, 2002/65 of 25 April 2002, 2003/56 of 24 April 2003, 2004/62 of 21 April 2004 and 2005/51 of 20 April 2005 entitled "Human rights and indigenous issues", and Council resolution 6/12 of 28 September 2007 entitled "Human rights and indigenous peoples: mandate of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people",

Recalling further the adoption of the United Nations Declaration on the Rights of Indigenous Peoples, which addresses the rights of indigenous peoples,

1. *Decides* to extend for a period of three years the mandate of the Special Rapporteur on the rights of indigenous peoples:

(*a*) To examine ways and means of overcoming existing obstacles to the full and effective protection of the rights of indigenous peoples, in conformity with his/her mandate, and to identify, exchange and promote best practices;

(*b*) To gather, request, receive and exchange information and communications from all relevant sources, including Governments, indigenous peoples and their communities and organizations, on alleged violations of the rights of indigenous peoples;

(*c*) To formulate recommendations and proposals on appropriate measures and activities to prevent and remedy violations of the rights of indigenous peoples;

(*d*) To work in close cooperation and coordination with other special procedures and subsidiary organs of the Council, in particular with the Expert Mechanism on the Rights of Indigenous Peoples, relevant United Nations bodies, the treaty bodies and regional human rights organizations;

(*e*) To work in close cooperation with the Permanent Forum on Indigenous Issues and to participate in its annual session;

(*f*) To develop a regular cooperative dialogue with all relevant actors, including Governments, relevant United Nations bodies, specialized agencies and programmes, as well as indigenous peoples, national human rights institutions, non-governmental organizations and other regional or subregional international institutions, including on possibilities for technical cooperation at the request of Governments;

(*g*) To promote the United Nations Declaration on the Rights of Indigenous Peoples and international instruments relevant to the advancement of the rights of indigenous peoples, where appropriate;

(*h*) To pay special attention to the human rights and fundamental freedoms of indigenous children and women, and to take into account a gender perspective in the performance of his/her mandate;

(*i*) To consider relevant recommendations of the world conferences, summits and other United Nations meetings, as well as the recommendations, observations and conclusions of the treaty bodies on matters regarding his/her mandate;

(*j*) To submit a report on the implementation of his/her mandate to the Council in accordance with its annual programme of work;

2. *Requests* all Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, to furnish all available information requested in his/her communications, and to react promptly to his/her urgent appeals,

3. *Encourages* the United Nations, including its specialized agencies, regional intergovernmental organizations, Governments, independent experts, interested institutions, national human rights institutions, non-governmental organizations and, in particular, indigenous peoples to cooperate to the fullest extent possible with the Special Rapporteur in the fulfilment of his/her mandate;

4. *Encourages* all Governments to give serious consideration to responding favourably to the requests by the Special Rapporteur to visit their countries to enable him/her to fulfil the mandate effectively;

5. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the necessary human, technical and financial assistance to the Special Rapporteur for the effective fulfilment of his/her mandate;

6. *Decides* to continue consideration of this question in conformity with its programme of work.

31st meeting
30 September 2010

[Adopted without a vote.]

15/15
Protection of human rights and fundamental freedoms while countering terrorism: mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

The Human Rights Council,

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

Recalling Council resolution 5/1 on institution-building of the United Nations Human Rights Council and resolution 5/2 on the Code of Conduct for special procedures mandate holders of the Human Rights Council, of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with these resolutions and the annexes thereto,

Recalling also Commission on Human Rights resolutions 2004/87 of 21 April 2004 and 2005/80 of 21 April 2005, General Assembly resolutions 59/191 of 20 December 2004, 60/158 of 16 December 2005 and 61/171 of 19 December 2006, and Council resolution 6/28 of 14 December 2007 entitled "Protection of human rights and fundamental freedoms while countering terrorism: mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism",

1. *Takes note* of the work and contributions of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism;

2. *Decides* to extend the mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism for a period of three years, and requests the Special Rapporteur:

(*a*) To make concrete recommendations on the promotion and protection of human rights and fundamental freedoms while countering terrorism, including, at the request of States, for the provision of advisory services or technical assistance on such matters;

(*b*) To gather, request, receive and exchange information and communications from and with all relevant sources, including Governments, the individuals concerned and their families, representatives and organizations, including through country visits, with the consent of the State concerned, on alleged violations of human rights and fundamental freedoms while countering terrorism;

(*c*) To integrate a gender perspective throughout the work of his/her mandate;

(*d*) To identify, exchange and promote best practices on measures to counter terrorism that respect human rights and fundamental freedoms;

(*e*) To work in close coordination with other relevant bodies and mechanisms of the United Nations, and in particular with other special procedures of the Council, in order to strengthen the work for the promotion and protection of human rights and fundamental freedoms while avoiding unnecessary duplication of efforts;

(*f*) To develop a regular dialogue and discuss possible areas of cooperation with Governments and all relevant actors, including relevant United Nations bodies, specialized agencies and programmes, with, inter alia, the Counter-Terrorism Committee of the Security Council, including its Executive Directorate, the Counter-Terrorism Implementation Task Force, the Office of the United Nations High Commissioner for Human Rights, the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime and treaty bodies, as well as non-governmental organizations and other regional or subregional international institutions, while respecting the scope of his/her mandate and fully respecting the respective mandates of the above-mentioned bodies and with a view to avoiding duplication of effort;

(*g*) To report regularly to the Council and to the General Assembly;

3. *Requests* all Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, including by responding promptly to the Special Rapporteur's urgent appeals and providing the information requested;

4. *Calls upon* all Governments to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries;

5. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the necessary human, technical and financial assistance to the Special Rapporteur for the effective fulfilment of his/her mandate;

6. *Decides* to continue consideration of this question in conformity with its annual programme of work.

31st meeting
30 September 2010

[Adopted without a vote.]

15/16
Human rights of migrants

The Human Rights Council,

Reaffirming the Universal Declaration of Human Rights, which proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

Recalling the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination, the Vienna Convention on Consular Relations, the Convention on the Rights of Persons with Disabilities and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Recalling also the United Nations Convention against Transnational Organized Crime and the Protocols thereto, reaffirming the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, and recalling the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others,

Recalling further previous resolutions of the General Assembly, the Commission on Human Rights and the Council on the protection of the human rights of migrants, the most recent being Council resolution 12/6 of 1 October 2009 and Assembly resolution 64/166 of 18 December 2009, and recalling also the work of various special mechanisms of the Council that have reported on the situation of human rights and fundamental freedoms of migrants,

Reaffirming that everyone has the right to freedom of movement and residence within the borders of each State, and to leave any country, including his own, and to return to his country,

Concerned at the large and growing number of migrants, especially women and children, who attempt to cross international borders without the required travel documents, which places them in a particularly vulnerable situation, and recognizing the obligation of States to respect the human rights of those migrants,

Bearing in mind the obligations of States under international law, as applicable, to exercise due diligence to prevent crimes against migrants, to investigate and punish perpetrators and, in accordance with applicable law, to rescue victims and to provide for their protection, and that not doing so violates and impairs or nullifies the enjoyment of the human rights and fundamental freedoms of victims,

Bearing in mind also that policies and initiatives on the issue of migration, including those that refer to the orderly management of migration, should promote holistic approaches that take into account the causes and consequences of the phenomenon, as well as full respect for the human rights and fundamental freedoms of migrants,

Affirming that crimes against migrants and trafficking in persons continue to pose a serious challenge and require a concerted international assessment and response and genuine multilateral cooperation among countries of origin, transit and destination for its eradication,

Aware that, as criminals take advantage of migratory flows and attempt to circumvent restrictive immigration policies, migrants become more vulnerable to, inter alia, kidnapping, extortion, forced labour, sexual exploitation, physical assault, debt servitude and abandonment,

Stressing the obligation of States to protect the human rights of migrants regardless of their legal status, and expressing its concern at measures which, including in the context of policies aimed at reducing irregular migration, treat irregular migration as a criminal rather than an administrative offence where the effect of doing so is to deny migrants full enjoyment of their human rights and fundamental freedoms,

Emphasizing the global character of the migratory phenomenon, the importance of international, regional and bilateral cooperation and the need to protect the human rights of migrants, particularly at a time in which migration flows have increased in the globalized economy and take place in a context of new security concerns,

1. *Takes note with appreciation* of the study of the Office of the United Nations High Commissioner for Human Rights on challenges and best practices in the implementation of the international framework for the protection of the rights of the child in the context of migration,[35] and invites States to take into account the conclusions and recommendations of the study when designing and implementing their migration policies;

2. *Takes note* of the work undertaken by the special procedures on the right to health and adequate housing in the context of migration;

3. *Calls upon* States that have not yet done so to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as a matter of priority, and requests the Secretary-General to continue his efforts to promote and raise awareness of the Convention;

4. *Calls upon* States parties to the United Nations Convention against Transnational Organized Crime and the supplementing protocols thereto, namely, the Protocol against the Smuggling of Migrants by Land, Sea and Air and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, to implement them fully, and calls upon States that have not yet ratified or acceded to them to consider doing so as a matter of priority;

5. *Encourages* Member States that have not already done so to enact domestic legislation and take further effective measures to combat international trafficking in and smuggling of migrants, recognizing that these crimes may endanger the lives of migrants or

[35] A/HRC/15/29.

subject them to harm, servitude or exploitation, which may also include debt bondage, slavery, sexual exploitation or forced labour, and also encourages Member States to strengthen international cooperation to combat such trafficking and smuggling;

6. *Requests* States, recognizing the efforts made in this regard, to ensure respect for the human rights and fundamental freedoms of migrants, and:

(*a*) To effectively promote and protect the human rights and fundamental freedoms of all migrants, including, in particular, the right to life and physical integrity, especially that of women and children, regardless of their immigration status, in conformity with the Universal Declaration of Human Rights and the international instruments to which they are party;

(*b*) To adopt concrete measures to prevent violations of the human rights of migrants while in transit, including in ports and airports and at borders and migration checkpoints, to train public officials who work in those facilities and in border areas to treat migrants and their families respectfully and in accordance with the law, and to prosecute, in conformity with applicable law, any act of violation of the human rights of migrants and their families, such as arbitrary detention, torture and violations of the right to life, including extrajudicial executions, during their transit from their country of origin to the country of destination and vice versa, including their transit through national borders;

(*c*) To undertake, in cooperation with relevant organizations, information campaigns aimed at clarifying prospects, limitations, potential risks and rights in the event of migration in order to enable everyone, in particular women and children and their family members, to make informed decisions and to prevent them from becoming victims of trafficking or falling prey to transnational organized networks of smugglers or organized criminal groups;

7. *Expresses its concern* at legislation and measures adopted by some States that may restrict the human rights and fundamental freedoms of migrants, and reaffirms that, when exercising their sovereign right to enact and implement migratory and border security measures, States have the duty to comply with their obligations under international law, including international human rights law, in order to ensure full respect for the human rights of migrants;

8. *Calls upon* all States to respect the human rights and the inherent dignity of migrants and to put an end to arbitrary arrest and detention and, where necessary, to review detention periods in order to avoid excessive detention of irregular migrants, and to adopt, where applicable, alternative measures to detention;

9. *Reiterates its concern* at:

(*a*) The increasing activities of transnational and national organized crime and others who profit from crimes against migrants, especially women and children, without regard for dangerous and inhumane conditions and in flagrant violation of domestic laws and international law and contrary to international standards;

(*b*) The high level of impunity enjoyed by traffickers and their accomplices as well as other members of organized crime and, in this context, the denial of rights and justice to migrants who have suffered from abuse;

10. *Encourages* States to protect victims of national and transnational organized crime, including kidnapping, trafficking and, in some instances, smuggling, through, where applicable, the implementation of programmes and policies that guarantee protection and access to medical, psychosocial and legal assistance;

11. *Recalls* that the Universal Declaration on Human Rights recognizes that everyone has the right to an effective remedy by the competent national tribunals for acts violating their fundamental rights, and therefore:

(*a*) Requests States to prosecute, in conformity with applicable law, any crime against or violation of the human rights of migrants and their families, inter alia, arbitrary detention, torture and violations of the right to life, including extrajudicial executions, during their transit from their country of origin to the country of destination and vice versa, including through national borders;

(*b*) Affirms that it is essential to place the protection of human rights at the centre of measures taken to prevent and end abuses against migrants, and to protect, assist and provide access to adequate redress to victims, in accordance with applicable law, including the possibility of obtaining compensation;

12. *Reaffirms* the rights set forth in the Universal Declaration of Human Rights and the obligation of States under the International Covenants on Human Rights, and in this regard strongly condemns the manifestations and acts of racism, racial discrimination, xenophobia and related intolerance against migrants and the stereotypes often applied to them, including on the basis of religion or belief, and urges States to apply and, where needed, reinforce the existing laws when xenophobic or intolerant acts, manifestations or expressions against migrants occur, in order to eradicate impunity for those who commit xenophobic and racist acts;

13. *Stresses* the importance of international, regional and bilateral cooperation in the protection of the human rights of migrants, and therefore:

(*a*) Encourages States to participate in international and regional dialogues on migration that include countries of origin, transit and destination, and invites them to consider negotiating bilateral and regional agreements on migrant workers within the framework of applicable human rights law and designing and implementing programmes with States of other regions to protect the rights of migrants;

(*b*) Also encourages States to take the necessary measures to achieve policy coherence on migration at the national, regional and international levels, including by ensuring coordinated child protection policies and systems across borders that are in full compliance with international human rights law;

(*c*) Further encourages States to strengthen further their cooperation in protecting witnesses and victims of smugglers and traffickers;

(*d*) Encourages States to allow persons claiming to be in need of protection to enter without delay the applicable national procedure for protection, including the national asylum procedure, in the country where they are present;

14. *Takes note* of actions taken by several special procedures of the Council and treaty bodies towards the effective prevention of violations of the human rights of migrants, including through joint statements and urgent appeals, and encourages them to continue with their collaborative efforts to this end, within their respective mandates;

15. *Decides* to remain seized of the matter.

31st meeting
30 September 2010

[Adopted without a vote.]

15/17
Preventable maternal mortality and morbidity and human rights: follow-up to Council resolution 11/8

The Human Rights Council,

Reaffirming its resolution 11/8 of 17 June 2007 on preventable maternal mortality and morbidity and human rights,

Reaffirming also the Beijing Declaration and Platform for Action, the Programme of Action of the International Conference on Population and Development and its review conferences, including the outcome document of the 15-year review of the Programme of Action contained in Commission on Population and Development resolution 2009/1 of 3 April 2009, Commission on the Status of Women resolution 54/5 of 12 March 2010, and the targets and commitments regarding the reduction of maternal mortality and universal access to reproductive health, including those contained in the 2000 Millennium Declaration (General Assembly resolution 55/2 of 8 September 2000) and the 2005 World Summit Outcome (General Assembly resolution 60/1 of 16 September 2005),

Welcoming the recent initiatives relevant to preventable maternal mortality and morbidity and human rights, including the Secretary-General's Global Strategy for Women's and Children's Health, the Group of Eight Muskoka initiative on maternal, newborn and under-five child health, as well as the convening of the fifteenth ordinary session of the Summit of the African Union in Kampala, from 19 to 27 July 2010, with the theme "Maternal, infant and child health and development in Africa", the launch of the African Union campaign in accelerated reduction of maternal mortality in Africa and the "Africa cares: no woman should die while giving life" campaign,

Welcoming also the outcome document of the High-level Plenary Meeting of the sixty-fifth session of the General Assembly on the Millennium Development Goals, held in New York from 20 to 22 September 2010, entitled "Keeping the promise: united to achieve the Millennium Development Goals", and reaffirming in particular the deep concern expressed therein by the Assembly at the alarming global levels of maternal and child mortality and its grave concern at the slow progress being made on reducing maternal mortality and improving maternal and reproductive health, as well as the commitments to accelerate progress in order to achieve Millennium Development Goal 5 on improving maternal health and Millennium Development Goal 8 on a global partnership for development,

Welcoming further the information contained in the recent report entitled "Trends in maternal mortality", released jointly by the World Health Organization, the United Nations Children's Fund, the United Nations Population Fund and the World Bank, showing a decrease in the number of women and girls dying annually owing to complications during pregnancy and childbirth, but expressing continued grave concern at the still unacceptably high global rate of preventable maternal mortality and morbidity,

Convinced that increased political will and commitment, cooperation and technical assistance at the international and national levels are urgently required to reduce the unacceptably high global rate of preventable maternal mortality and morbidity,

Welcoming the holding of the interactive panel debate on preventable maternal mortality and morbidity and human rights, on 14 June 2010 at its fourteenth session,

Recognizing that gender equality, the empowerment of women, women's full enjoyment of all human rights and the eradication of poverty are essential to economic and social development and that achieving gender equality and the empowerment of women is

both a key development goal and an important means for achieving all of the Millennium Development Goals,

1. *Welcomes* the thematic study on preventable maternal mortality and morbidity and human rights prepared by the Office of the United Nations High Commissioner for Human Rights,[36] and calls upon all stakeholders to consider the findings and recommendations contained therein;

2. *Reaffirms* its commitment to strengthen national statistical systems, including for effectively monitoring progress towards the Millennium Development Goals, and reiterates the need to increase efforts in support of statistical capacity-building in developing countries;

3. *Calls upon* States to collect disaggregated data, including data disaggregated by age, rural/urban location, disability and other relevant criteria, in relation to maternal mortality and morbidity to ensure effective targeting of policies and programmes to address discrimination and the needs of disadvantaged and marginalized women and adolescent girls, and to permit effective monitoring of policies and programmes, including through the adoption of national-level targets and indicators reflecting the main underlying causes of maternal mortality and morbidity, and through the development of appropriate health programmes;

4. *Encourages* States and other relevant stakeholders, including national human rights institutions and non-governmental organizations, to give greater attention and resources to preventable maternal mortality and morbidity in their engagement with the United Nations human rights system, including with the human rights treaty bodies, the universal periodic review and the special procedures;

5. *Requests* all States to renew their political commitment to eliminate preventable maternal mortality and morbidity at the local, national, regional and international levels, and to redouble their efforts to ensure the full and effective implementation of their human rights obligations, the Beijing Declaration and Platform for Action, the Programme of Action of the International Conference on Population and Development and its review conferences, the Millennium Declaration and the Millennium Development Goals, in particular the goals on improving maternal health and promoting gender equality and empowering women, including through the allocation of necessary domestic resources to health systems;

6. *Requests* States to give renewed emphasis to maternal mortality and morbidity initiatives in their development partnerships and cooperation arrangements, including by honouring existing commitments and considering new ones, and the exchange of effective practices and technical assistance to strengthen national capacities, and to integrate a human rights perspective into such initiatives, addressing the impact that discrimination against women has on maternal mortality and morbidity;

7. *Encourages* States and other relevant stakeholders, including national human rights institutions and non-governmental organizations, to take action at all levels to address the interlinked root causes of maternal mortality and morbidity, such as poverty, malnutrition, harmful practices, lack of accessible and appropriate health-care services, information and education and gender inequality, and to pay particular attention to eliminating all forms of violence against women and girls;

8. *Invites* the Office of the High Commissioner to engage in or, as appropriate, continue dialogue on preventable maternal mortality and morbidity and human rights with regional organizations, relevant United Nations agencies and organizations, including the

[36] A/HRC/14/39.

World Health Organization, the United Nations Children's Fund, the United Nations Population Fund, the United Nations Entity for Gender Equality and the Empowerment of Women and the Committee for the Elimination of Discrimination against Women, the Special Rapporteur on the right of everyone to the highest attainable standard of physical and mental health and other relevant special procedures, and the World Bank;

9. *Requests* the Office of the High Commissioner to invite States and all other relevant stakeholders, including regional organizations, the World Health Organization, the United Nations Population Fund, the United Nations Entity for Gender Equality and the Empowerment of Women, the Committee on the Elimination of Discrimination against Women, relevant special procedures, the United Nations Children's Fund, the World Bank, civil society and national human rights institutions, to submit information to the Office of the High Commissioner on initiatives that exemplify good or effective practices in adopting a human rights-based approach to eliminating preventable maternal mortality and morbidity;

10. *Also requests* the Office of the High Commissioner to prepare, on the basis of the above-mentioned submissions, an analytical compilation that includes an identification of how such initiatives embody a human rights-based approach, the elements of these initiatives that succeed in achieving reductions in maternal mortality and morbidity through a human rights-based approach, and ways in which similar initiatives could give effect more fully to a human rights-based approach;

11. *Decides* to address the analytical compilation requested in paragraph 10 above within its programme of work at its eighteenth session, and to consider taking further action on preventable maternal mortality and morbidity and human rights.

31st meeting
30 September 2010

[Adopted without a vote.]

15/18
Arbitrary detention

For the text of the resolution, see page 6 above.

15/19
Draft guiding principles on extreme poverty and human rights

The Human Rights Council,

Recalling that, in accordance with the Universal Declaration of Human Rights and the International Covenants on Human Rights, the ideal of free human beings enjoying freedom from fear and want can be achieved only if conditions are created whereby everyone may enjoy his or her economic, social and cultural rights, as well as his or her civil and political rights,

Recalling also all previous resolutions on the issue of human rights and extreme poverty adopted by the General Assembly and the importance they attach to giving persons living in extreme poverty the wherewithal to organize and participate in all aspects of political, economic, social and cultural life,

Recalling further all previous resolutions adopted by the Commission on Human Rights, as well as relevant Council resolutions, including resolutions 2/2 of 27 November

2006, 7/27 of 28 March 2008 and 8/11 of 18 June 2008, in which it extended the mandate of the independent expert on the question of human rights and extreme poverty, as well as its resolution 12/19 of 2 October 2009, in which it invited the independent expert to submit a progress report presenting her recommendations on how to improve the draft guiding principles on extreme poverty and human rights to the Council at its fifteenth session,

Reaffirming, in this regard, the commitments made at relevant United Nations conferences and summits, including those made at the World Summit for Social Development, held in Copenhagen in 1995, at the Millennium Summit, at which Heads of State and Government committed themselves to eradicate extreme poverty and to halve, by 2015, the proportion of the world's people whose income is less than one dollar a day and of those who suffer from hunger, and at the 2005 World Summit, and welcoming the conclusions of the summit on the Millennium Development Goals held in New York from 20 to 22 September 2010,

Deeply concerned that extreme poverty persists in all countries of the world, regardless of their economic, social and cultural situation, and that its extent and manifestations are particularly severe in developing countries,

Reaffirming the primary role of States in the fight against extreme poverty and in the promotion and protection of human rights, emphasizing the role of international cooperation in support of such efforts, and emphasizing also the need to enhance international cooperation to raise the capacities of States to eradicate extreme poverty and to fulfil the Millennium Development Goals,

Stressing that respect for all human rights, which are universal, indivisible, interdependent and interrelated, is of crucial importance for all policies and programmes to fight extreme poverty at the local, national and regional levels,

Recalling the draft guiding principles on extreme poverty and human rights, annexed to resolution 2006/9 adopted by the Subcommission for the Promotion and Protection of Human Rights on 24 August 2006,

1. *Takes note with satisfaction* of the progress report of the independent expert on the question of human rights and extreme poverty on the draft guiding principles on extreme poverty and human rights;[37]

2. *Affirms* that the fight against extreme poverty must remain a high priority for the international community;

3. *Invites* the Office of the United Nations High Commissioner for Human Rights:

(*a*) To seek the views, comments and suggestions on the progress report on the draft guiding principles submitted by the independent expert of States, relevant United Nations agencies, intergovernmental organizations, United Nations treaty bodies, relevant special procedures, national human rights institutions and non-governmental organizations, especially those working with people living in extreme poverty, and other relevant stakeholders;

(*b*) To organize, within existing resources, in Geneva before June 2011, a two-day consultation on the progress report on the draft guiding principles with the independent expert and relevant stakeholders, including representatives of States, development and human rights practitioners and organizations at the local, national, regional and international levels;

[37] A/HRC/15/41.

(*c*) To prepare and to submit to the Council, no later than its nineteenth session, an analytical compilation on the basis of the submissions received in writing and made at the above-mentioned consultation;

4. *Invites* the independent expert, on the basis of the report of the Office of the High Commissioner, to pursue further work on the draft guiding principles on extreme poverty and human rights with a view to submitting a final draft of the revised guiding principles to the Council at its twenty-first session, in order to allow the Council to take a decision on the way forward with a view to the adoption by 2012 of guiding principles on the rights of persons living in extreme poverty.

32nd meeting
30 September 2010

[Adopted without a vote.]

15/20
Advisory services and technical assistance for Cambodia

The Human Rights Council,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as enshrined in the Charter of the United Nations, as reaffirmed in the Universal Declaration of Human Rights, and in accordance with their respective obligations under the International Covenants on Human Rights and other applicable human rights instruments,

Recalling General Assembly resolution 60/251 of 15 March 2006,

Recalling also Council resolutions 5/1 on institution-building of the Council and 5/2 on a code of conduct for special procedures mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

Recalling further Council resolution 12/25 of 2 October 2009 and other relevant resolutions,

Bearing in mind the report of the Secretary-General on the role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights,[38]

Recognizing that the tragic history of Cambodia requires special measures to ensure the protection of human rights and the non-return to the policies and practices of the past, as stipulated in the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict, signed in Paris on 23 October 1991,

Taking note of the new developments in Cambodia, especially those associated with recent progress and efforts by the Government of Cambodia to promote and protect human rights, especially in the achievements and improvements of social, economic, political and cultural fields over recent years through its relevant national plans, strategies and frameworks,

[38] A/HRC/15/47.

I. Khmer Rouge Tribunal

1. *Reaffirms* the importance of the Extraordinary Chambers in the Courts of Cambodia as an independent and impartial body, and believes it will significantly contribute to eradicating impunity and establishing the rule of law by, inter alia, exploiting its potential as a model court of Cambodia;

2. *Welcomes* the progress made with regard to the Extraordinary Chambers in the Courts of Cambodia, including the completion of the trial in the Trial Chamber of case 001 against Kaing Guek Eav on 26 July 2010, and supports the positions of the Government of Cambodia and the United Nations to proceed with the tribunal in a fair, efficient and expeditious manner, given the advanced age and frail health of the persons charged and the long overdue justice for the people of Cambodia;

3. *Also welcomes* the assistance of a number of States to the Extraordinary Chambers in the Courts of Cambodia and, noting the remarks of the Secretary-General to the pledging conference on 25 May 2010, encourages the Government of Cambodia to work with the United Nations and the States providing assistance to ensure the highest standards of administration of the Extraordinary Chambers, and invites further assistance for the Extraordinary Chambers in a prompt manner in order to ensure its successful functioning;

II. Democracy and situation of human rights

4. *Welcomes*:

(*a*) The positive engagement of the Government of Cambodia in the universal periodic review process and its acceptance of all the recommendations thereon and its intention to follow up on them;

(*b*) The cooperation extended by the Government of Cambodia and the constructive dialogue with the Special Rapporteur on the situation of human rights in Cambodia during his missions in Cambodia;

(*c*) The report of the Special Rapporteur on the situation of human rights in Cambodia[39] and the recommendations contained therein;

(*d*) The efforts and progress made by the Government of Cambodia in promoting legal reform under the leadership of the Council of Legal and Judicial Reform, including adopting and/or enforcing basic laws, such as the civil procedure code, the criminal procedure code and the civil code, as well as the enactment of the criminal code;

(*e*) The recent affirmations by the Government of Cambodia of its commitment to an independent judicial process;

(*f*) The efforts made by the Government of Cambodia in combating corruption, including the adoption of the penal code and the anti-corruption law as well as the appointment of the members of the National Council for Anti-Corruption;

(*g*) The efforts made by the Government of Cambodia in combating trafficking in persons, including the enforcement of the law on the suppression of human trafficking and commercial sexual exploitation, the enactment of the Policy and National Minimum Standards for the Protection of the Rights of Victims of Human Trafficking and participation in the United Nations Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-region;

[39] A/HRC/15/46.

(*h*) The efforts made by the Government of Cambodia to resolve land issues through the implementation of land reform;

(*i*) The commitments made by the Government of Cambodia to adhere to and implement its obligations under the international human rights conventions, including to establish a national human rights institution and to encourage that this be done upon sufficient consultation with relevant stakeholders;

(*j*) The efforts made by the Cambodian Human Rights Committee, especially in resolving complaints from people;

(*k*) The efforts made by the Government of Cambodia to adhere to its obligations under international human rights treaties, including the submission of its report to the Committee against Torture in October 2009;

(*l*) The efforts and progress made by the Government of Cambodia in promoting decentralization and deconcentration reform with the aim of achieving democratic development by strengthening subnational and grass-roots institutions, including the adoption of the National Programme for Sub-National Development 2010-2019 by the Council of Ministers, while recognizing the need to strengthen further the enforcement capacity of the national election committee;

(*m*) The promulgation of the National Disability Law in December 2009, and the approval of a sub-decree on procedures for the registration of the land of indigenous minority communities and a policy on the development of indigenous minorities by the Council of Ministers in April 2009;

5. *Expresses its concern* about some areas of human rights practices in Cambodia, and urges the Government of Cambodia:

(*a*) To continue to strengthen its efforts to establish the rule of law, including through the adoption and implementation of essential laws and codes for establishing a democratic society;

(*b*) To continue its efforts at judicial reform, especially to ensure the independence, impartiality, transparency and effectiveness of the judicial system as a whole, including through the adoption of the law on the status of judges and prosecutors and the law on the organization and the functioning of the courts, as required by the Constitution, and through the transfer of knowledge of court officials at the Extraordinary Chambers in the Courts of Cambodia and the sharing of good practices at the Court;

(*c*) To continue its efforts to combat corruption, including by the implementation of an anti-corruption law;

(*d*) To continue to enhance its efforts to investigate urgently and to prosecute, in accordance with due process of law and its obligations under international human rights treaties, all those who have perpetrated serious crimes, including violations of human rights;

(*e*) To enhance its efforts to resolve equitably and expeditiously land ownership issues in a fair and open manner, in accordance with relevant laws and regulations, by strengthening the implementation of the 2001 Land Law, the Law on Expropriation, the Circular on Settlement of Illegal Temporary Building in Cities and Urban Areas and the National Housing Policy, as well as by strengthening the capacity and effectiveness of relevant institutions, such as the National Authority for Land Dispute Resolution and cadastral committees at the national, provincial and district levels;

(*f*) To promote an environment conducive to the conduct of legitimate political activity and to support the role of non-governmental organizations and media in order to solidify democratic development in Cambodia;

(*g*) To make continuous efforts to improve human rights, especially those of women and children, and to make additional efforts, in concert with the international community, to combat key problems, such as human trafficking, issues related to poverty, sexual violence, domestic violence and the sexual exploitation of women and children;

(*h*) To take all steps to meet its obligations under international human rights treaties and to strengthen further its cooperation with United Nations agencies, including the Office of the United Nations High Commissioner for Human Rights, including through enhanced dialogue and the development of joint activities;

(*i*) To continue to promote the rights and dignity of all Cambodians by protecting civil and political rights, including freedom of opinion and expression, as well as economic, social and cultural rights, in accordance with the rule of law, through the continuous and enhanced implementation of the Rectangular Strategy and various reform programmes;

III. Conclusion

6. *Invites* the Secretary-General, agencies of the United Nations system present in Cambodia and the international community, including non-governmental organizations, to continue to work with the Government of Cambodia in improving democracy as well as ensuring the protection and promotion of the human rights of all people in Cambodia, including by providing assistance in, inter alia, the fields of:

(*a*) Drafting various laws necessary for protecting and promoting human rights and assisting the establishment of an independent national human rights institution;

(*b*) Capacity-building to strengthen legal institutions, including by improving the quality of judges, prosecutors, lawyers and court staff, and drawing on the expertise gained by Cambodian nationals working in the Extraordinary Chambers in the Courts of Cambodia;

(*c*) Capacity-building to strengthen national institutions for criminal investigation and law enforcement, as well as providing equipment necessary for these ends;

(*d*) Assisting the assessment of progress in human rights issues;

7. *Encourages* the Government of Cambodia and the international community to provide all necessary assistance to the Extraordinary Chambers in the Courts of Cambodia, which would help ensure the non-return to the policies and practices of the past, as envisioned by the 1991 Agreement on a Comprehensive Political Settlement of the Cambodia Conflict;

8. *Takes note* of the need to continue close consultations between the Government of Cambodia and the Special Rapporteur on the situation of human rights in Cambodia towards the further improvement of the situation of human rights in the country and of the continuous technical cooperation of the Office of the High Commissioner with the Government of Cambodia;

9. *Decides* to extend by one year the mandate of the special procedure on the situation of human rights in Cambodia, and requests the Special Rapporteur to report on the implementation of his mandate to the Council at its eighteenth session and to engage in a constructive manner with the Government of Cambodia for the further improvement of the situation of human rights in the country;

10. *Requests* the Secretary-General to report to the Council at its eighteenth session on the role and achievements of the Office of the High Commissioner in assisting the Government and the people of Cambodia in the promotion and protection of human rights;

11. *Decides* to continue its consideration of the situation of human rights in Cambodia at its eighteenth session.

32nd meeting
30 September 2010

[Adopted without a vote.]

15/21
The rights to freedom of peaceful assembly and of association

For the text of the resolution, see page 8 above.

15/22
Right of everyone to the enjoyment of the highest attainable standard of physical and mental health

The Human Rights Council,

Reaffirming the Universal Declaration of Human Rights, and recalling the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities,

Reaffirming also that the right of everyone to the enjoyment of the highest attainable standard of physical and mental health is a human right as reflected, inter alia, in article 25, paragraph 1, of the Universal Declaration of Human Rights, article 12 of the International Covenant on Economic, Social and Cultural Rights and article 24 of the Convention on the Rights of the Child, as well as, with respect to non-discrimination, in article 5 (*e*) (iv) of the International Convention on the Elimination of All Forms of Racial Discrimination, article 12, paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women and article 25 of the Convention on the Rights of Persons with Disabilities, and that such a right derives from the inherent dignity of the human person,

Recalling its resolutions 6/29 of 14 December 2007, 8/13 of 18 June 2008, 10/24 of 27 March 2009, 11/8 of 17 June 2009, 12/7 of 1 October 2009 and 12/24 and 12/27 of 2 October 2009, its decisions 2/107 and 2/108 of 27 November 2006, and all resolutions on the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health adopted by the General Assembly and the Commission on Human Rights,

Recalling also the declarations and programmes of action adopted by the major United Nations conferences and summits and their follow-up meetings,

Recalling further the Declaration on the Right to Development, which, inter alia, establishes that States should take, at the national level, all measures necessary for the realization of the right to development and should ensure, inter alia, equality of opportunity for all in their access to basic resources, such as health services,

Taking note with interest of general comments and general recommendations from treaty bodies that are relevant to the right of everyone to the attainment of the highest attainable standard of physical and mental health,

Concerned that, for millions of people throughout the world, the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including through access to medicines that are safe, effective, affordable and of good quality, in particular essential medicines, vaccines and other medical products, and to health-care facilities and services, still remains a distant goal and that, in many cases, especially for those living in poverty, this goal remains remote,

Concerned also that the increasing incidence of non-communicable diseases constitutes a heavy burden on society, with serious social and economic consequences, and aware that there is a need to respond to cardiovascular diseases, cancers, diabetes and chronic respiratory diseases, which represent a leading threat to human health and development,

Recalling that access to medicine is one of the fundamental elements in achieving progressively the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, and that it is the responsibility of States to ensure access for all, without discrimination, to medicines, in particular essential medicines, that are affordable, safe, effective and of good quality,

Recalling also the creation, under the aegis of International Action against Hunger and Poverty, of the International Drug Purchase Facility, UNITAID, which facilitates access to drugs for the world's poorest people as part of the fight against the major pandemic diseases, such as HIV/AIDS, malaria and tuberculosis,

Recalling further Commission on Narcotic Drugs resolution 53/4 of 12 March 2010 entitled "Promoting adequate availability of internationally controlled licit drugs for medical and scientific purposes while preventing their diversion and abuse",

Recalling World Health Assembly resolution WHA63.1 of 19 May 2010 entitled "Pandemic influenza preparedness: sharing of influenza viruses and access to vaccines and other benefits", which recognizes the need to implement a fair and transparent, equitable, efficient and effective system for the sharing of the H5N1 and other influenza viruses with human pandemic potential and access to vaccines and other benefits on an equal footing,

Concerned about the lack of health workers and their imbalanced distribution within countries and throughout the world, in particular the shortage in sub-Saharan Africa, which undermines the health systems of developing countries,

Recalling World Health Assembly resolution WHA58.33 of 25 May 2005 entitled "Sustainable health financing, universal coverage and social health insurance", which, inter alia, urges States to ensure that individuals do not face catastrophic health-care expenditure and impoverishment as a result of seeking care,

Reaffirming that access to safe and clean water for personal and domestic use, as well as sanitation and nutrition, has a fundamental impact on the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,

Recognizing the need for States, in cooperation with international organizations and civil society, including non-governmental organizations and the private sector, to create favourable conditions at the national, regional and international levels to ensure the full and effective enjoyment of the right of everyone to the highest attainable standard of physical and mental health,

Concerned about the interrelatedness between poverty and the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental

health, in particular the fact that ill health can be both a cause and a consequence of poverty,

Recalling the commitments made by the international community to implement fully the health-related Millennium Development Goals,

Stressing that gender equality and the empowerment of women and girls are fundamental elements for their health, including sexual and reproductive health, in the reduction of their vulnerability to HIV/AIDS, and that the advancement of women and girls is a key factor in attaining the health-related Millennium Development Goals, in particular the improvement of maternal health and the reversal of the HIV/AIDS pandemic, and noting the importance of increasing investments in and accelerating research on the development of effective HIV prevention methods, including female-controlled methods and microbicides,

Recalling that health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity,

Recalling also its resolutions 5/1 on institution-building of the United Nations Human Rights Council and 5/2 on the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

1. *Decides* to extend the mandate of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, as established in paragraph 1 of resolution 6/29, for a further period of three years;

2. *Encourages* the Special Rapporteur, in fulfilling his mandate:

(*a*) To continue to explore how efforts to realize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health can reinforce poverty reduction strategies;

(*b*) To continue the analysis of the human rights dimensions of the issues of neglected diseases and diseases particularly affecting developing countries, and also the national and international dimensions of those issues;

(*c*) To continue to pay particular attention to the identification of good practices for the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, without discrimination;

(*d*) To explore the ways in which the international community can assist developing countries in promoting the full realization of the right of everyone to the highest attainable standard of physical and mental health, taking into account the renewed commitments to achieve the Millennium Development Goals as outlined in the outcome document of the Millennium Development Goals review summit, held in New York from 20 to 22 September 2010;

(*e*) To continue to apply a gender perspective in his work and to pay special attention to the issue of maternal mortality and morbidity and to the needs of children and vulnerable and marginalized groups in the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

(*f*) To continue to pay due attention to the rights of persons with disabilities in the context of the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

(*g*) To continue to pay attention to sexual and reproductive health as an integral element of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

(*h*) To continue to avoid in his work any duplication or overlapping with the work, competence and mandate of other international bodies active in health issues;

(*i*) To continue to submit proposals which could contribute to the achievement of the health-related Millennium Development Goals;

(*j*) To take into account the relevant provisions of the Durban Declaration and Programme of Action and of the outcome document of the Durban Review Conference in the context of the enjoyment of the highest attainable standard of physical and mental health;

(*k*) To continue to explore the issue of strengthening health systems as a contribution to the realization of the right of everyone to the highest attainable standard of physical and mental health;

(*l*) To pay special attention to equitable and universal access to health services, including the principle of solidarity between the sick and the healthy;

(*m*) To continue to address the issue of access to medicines that are safe, effective, affordable and of good quality, taking note of the Human Rights Guidelines for Pharmaceutical Companies in relation to Access to Medicines;

(*n*) To continue to contribute, within the existing mandate, to the analysis of the human rights dimensions of the HIV/AIDS epidemic, which particularly affects developing countries, including the enjoyment of the right to the highest attainable standard of physical and mental health by members of all populations vulnerable to and affected by the epidemic;

(*o*) To conduct country visits and to respond promptly to invitations from States;

3. *Takes note with appreciation* of the work being carried out by the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health in the discharge of his mandate, and in that regard takes note of the reports of the special procedure;

4. *Calls upon* all States:

(*a*) To give consideration to the recommendations of the Special Rapporteur;

(*b*) To guarantee that the right of everyone to the enjoyment of the highest attainable standard of physical and mental health will be promoted and protected without discrimination;

(*c*) To ensure that relevant legislation, regulations and national and international policies take due account of the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

(*d*) To take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of their available resources, with a view to achieving progressively the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

(*e*) To consider ratifying the Framework Convention on Tobacco Control adopted at the fifty-sixth World Health Assembly;

(*f*) To pay special attention to the situation of the poor and other vulnerable and marginalized groups, including by the adoption of positive measures, in order to safeguard

the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

(*g*) To take into account World Health Assembly resolution 61.17 of 24 May 2008 on the health of migrants;

(*h*) To place a gender perspective at the centre of all laws, policies and programmes affecting the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

(*i*) To protect and promote sexual and reproductive health as integral elements of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

(*j*) To take into account the rights of the child and to ensure the timely achievement of Millennium Development Goal 4;

(*k*) To take into account the fact that access to medicine is a fundamental element for achieving progressively the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

(*l*) To pay due attention to the rights of persons with disabilities in the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including by ensuring equal access for persons with disabilities to the same range, quality and standard of free or affordable health care and programmes as those provided to other persons, and by providing health services specifically needed by persons with disabilities because of their disabilities, including community-based habilitation and rehabilitation services;

(*m*) To cooperate fully with the Special Rapporteur in the implementation of his mandate, to provide all information requested and to respond promptly to his communications;

(*n*) To give serious consideration to the requests for visits of the Special Rapporteur, so that he may carry out his mandate even more effectively;

(*o*) To safeguard informed consent within the health counselling, testing and treatment continuum, including in clinical practice, public health and medical research, as a critical element of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including through training of health workers and by ensuring protection against abuse, including with regard to individuals belonging to vulnerable groups;

(*p*) To apply measures and procedures for enforcing intellectual property rights in such a manner as to avoid creating barriers to the legitimate trade of medicines and to provide for safeguards against the abuse of such measures and procedures;

(*q*) To consider taking the steps necessary for the elimination of criminal and other laws that are counterproductive to HIV prevention, treatment, care and support efforts, including laws directly mandating disclosure of HIV status or that violate the human rights of people living with HIV and members of key populations affected by the epidemic, and to consider the enactment of laws protecting these persons from discrimination in HIV prevention, treatment, care and support efforts;

(*r*) To promote human rights education and training for health professionals, as appropriate;

5. *Recognizes* that the Doha Ministerial Declaration on the Agreement on Trade-related Aspects of Intellectual Property Rights and Public Health confirms that the Agreement does not and should not prevent States members of the World Trade

Organization from taking measures to protect public health and that the Declaration, while reiterating the commitment to the Agreement, affirms that it can and should be interpreted and implemented in a manner supportive of the rights of States members of the World Trade Organization to protect public health and, in particular, to promote access to medicines for all; and further recognizes, in this connection, the right of States members of the World Trade Organization to use, to the full, the provisions of the above-mentioned Agreement, which provide flexibility for this purpose;

6. *Also recognizes* the indispensable role that health professionals play in the promotion and protection of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, and welcomes the adoption at the sixty-third World Health Assembly of the Code of Practice on the International Recruitment of Health Personnel;

7. *Welcomes* the creation of the Medicines Patent Pool Foundation by UNITAID, with a view to improving access to appropriate, affordable antiretrovirals in developing countries;

8. *Recalls* the Global Strategy and Plan of Action on Public Health, Innovation and Intellectual Property of the World Health Assembly, and urges States, relevant international organizations and other relevant stakeholders to actively support its wide implementation;

9. *Calls upon* the international community to continue to assist developing countries in promoting the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including through financial and technical support and training of personnel, while recognizing that the primary responsibility for promoting and protecting all human rights rests with States;

10. *Invites* all international organizations with mandates having a bearing on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health to take into account the national and international obligations of their members related to the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

11. *Requests* the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, with the assistance of the Office of the United Nations High Commissioner for Human Rights, in consultation with States, relevant United Nations agencies, national human rights institutions and other relevant stakeholders, to prepare, within existing resources, a thematic study on the realization of the right to health of older persons, including the main existing challenges and best practices;

12. *Decides* to address the thematic study requested in paragraph 11 above, within existing resources, at a panel discussion within the programme of work of its eighteenth session, and to consider taking further possible action on the issue, and invites the Office of the United Nations High Commissioner for Human Rights, the World Health Organization, members of the Advisory Committee and other relevant United Nations bodies and agencies to participate in an interactive dialogue on the study in the Council;

13. *Requests* the United Nations High Commissioner for Human Rights to continue to provide all the necessary resources for the effective fulfilment of the mandate of the Special Rapporteur;

14 *Decides* to continue consideration of this matter under the same agenda item, in accordance with its programme of work.

32nd meeting
30 September 2010

[Adopted without a vote.]

15/23
Elimination of discrimination against women

For the text of the resolution, see page 10 above.

15/24
Human rights and unilateral coercive measures

The Human Rights Council,

Recalling the purposes and principles of the Charter of the United Nations,

Recalling also all previous resolutions on human rights and unilateral coercive measures adopted by the Commission on Human Rights, the Council and the General Assembly,

Reaffirming its resolution 12/22 of 2 October 2009 and General Assembly resolution 64/170 of 18 December 2009,

Taking note of the report of the Secretary-General on this issue,[40]

Stressing that unilateral coercive measures and legislation are contrary to international law, international humanitarian law, the Charter and the norms and principles governing peaceful relations among States,

Recognizing the universal, indivisible, interdependent and interrelated character of all human rights and, in this regard, reaffirming the right to development as a universal and inalienable right and an integral part of all human rights,

Expressing its concern at the negative impact of unilateral coercive measures on human rights, development, international relations, trade, investment and cooperation,

Recalling the final document of the fifteenth summit of the Heads of State and Government of the Non-Aligned Movement, held in Sharm el-Sheikh, Egypt, in July 2009, in which the States members of the Movement decided to oppose unilateralism and unilaterally-imposed measures by certain States, which can lead to the erosion and violation of the Charter and international law, the use and threat of use of force, and pressure and coercive measures, as a means to achieving their national policy objectives, and to support, in accordance with international law, the claim of affected States, including targeted States, to compensation for damage incurred as a consequence of the implementation of extraterritorial or unilateral coercive measures or laws,

Recalling also that the World Conference on Human Rights, held in Vienna from 14 to 25 June 1993, called upon States to refrain from any unilateral measure not in accordance with international law and the Charter and that created obstacles to trade relations among States and impeded the full realization of all human rights, and that also severely threatened the freedom of trade,

[40] A/HRC/15/43.

Deeply concerned that, despite the resolutions adopted on this issue by the General Assembly, the Council, the Commission on Human Rights and at United Nations conferences held in the 1990s and at their five-year reviews, and contrary to norms of international law and the Charter, unilateral coercive measures continue to be promulgated, implemented and enforced by, inter alia, resorting to war and militarism, with all their negative implications for the social-humanitarian activities and economic and social development of developing countries, including their extraterritorial effects, thereby creating additional obstacles to the full enjoyment of all human rights by peoples and individuals under the jurisdiction of other States,

Reaffirming that unilateral coercive measures are a major obstacle to the implementation of the Declaration on the Right to Development,

Recalling article 1, paragraph 2, common to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, which provides that, inter alia, in no case may a people be deprived of its own means of subsistence,

1. *Calls upon* all States to stop adopting or implementing unilateral coercive measures not in accordance with international law, international humanitarian law, the Charter of the United Nations and the norms and principles governing peaceful relations among States, in particular those of a coercive nature with extraterritorial effects, which create obstacles to trade relations among States, thus impeding the full realization of the rights set forth in the Universal Declaration of Human Rights and other international human rights instruments, in particular the right of individuals and peoples to development;

2. *Strongly objects* to the extraterritorial nature of those measures which, in addition, threaten the sovereignty of States and, in this context, calls upon all Member States neither to recognize these measures nor to apply them, and to take effective administrative or legislative measures, as appropriate, to counteract the extraterritorial application or effects of unilateral coercive measures;

3. *Condemns* the continued unilateral application and enforcement by certain powers of such measures as tools of political or economic pressure against any country, particularly against developing countries, with a view to preventing these countries from exercising their right to decide, of their own free will, their own political, economic and social systems;

4. *Reiterates* its call upon Member States that have initiated such measures to abide by the principles of international law, the Charter, the declarations of the United Nations and world conferences and relevant resolutions, and to commit themselves to their obligations and responsibilities arising from the international human rights instruments to which they are parties by putting an immediate end to such measures;

5. *Reaffirms*, in this context, the right of all peoples to self-determination, by virtue of which they freely determine their political status and freely pursue their own economic, social and cultural development;

6. *Also reaffirms* its opposition to any attempt aimed at the partial or total disruption of the national unity and territorial integrity of a State, which is incompatible with the Charter;

7. *Recalls* that, according to the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, and to the relevant principles and provisions contained in the Charter of Economic Rights and Duties of States, proclaimed by the General Assembly in its resolution 3281 (XXIX) of 12 December 1974, in particular article 32 thereof, no State may use or encourage the use of economic, political or any other type of measure to coerce

another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind;

8. *Reaffirms* that essential goods, such as food and medicines, should not be used as tools for political coercion and that under no circumstances should people be deprived of their own means of subsistence and development;

9. *Underlines* the fact that unilateral coercive measures are one of the major obstacles to the implementation of the Declaration on the Right to Development and, in this regard, calls upon all States to avoid the unilateral imposition of economic coercive measures and the extraterritorial application of domestic laws that run counter to the principles of free trade and hamper the development of developing countries;

10. *Rejects* all attempts to introduce unilateral coercive measures, as well as the increasing trend in this direction, including through the enactment of laws with extraterritorial application, which are not in conformity with international law;

11. *Recognizes* that the Declaration of Principles adopted at the first phase of the World Summit on the Information Society, held in Geneva in December 2003, strongly urges States to avoid and refrain from any unilateral measure in building the information society;

12. *Invites* all special rapporteurs and existing thematic mechanisms of the Council in the field of economic, social and cultural rights to pay due attention, within the scope of their respective mandates, to the negative impact and consequences of unilateral coercive measures;

13. *Decides* to give due consideration to the negative impact of unilateral coercive measures in its task concerning the implementation of the right to development;

14. *Requests* the United Nations High Commissioner for Human Rights, in discharging her functions in relation to the promotion and protection of human rights, to pay due attention and give urgent consideration to the present resolution;

15. *Requests* the Office of the High Commissioner to prepare a thematic study on the impact of unilateral coercive measures on the enjoyment of human rights, including recommendations on actions aimed at ending such measures, taking into account all previous reports, resolutions and relevant information available to the United Nations system in this regard, and to present the study to the Council at its eighteenth session;

16. *Decides* to examine this question in accordance with its annual programme of work under the same agenda item.

34th meeting
1 October 2010

[Adopted by a recorded vote of 32 to 14, with no abstentions. The voting was as follows:

In favour:

Angola, Argentina, Bahrain, Bangladesh, Brazil, Burkina Faso, Cameroon, Chile, China, Cuba, Djibouti, Ecuador, Gabon, Ghana, Guatemala, Jordan, Kyrgyzstan, Libyan Arab Jamahiriya, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Pakistan, Qatar, Russian Federation, Saudi Arabia, Senegal, Thailand, Uganda, Zambia

Against:

Belgium, France, Hungary, Japan, Norway, Poland, Republic of Korea, Republic of Moldova, Slovakia, Spain, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America]

15/25
The right to development

The Human Rights Council,

Recalling the Charter of the United Nations and the core human rights instruments,

Reaffirming the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986,

Reaffirming also its resolutions 4/4 of 30 March 2007 and 9/3 of 17 September 2008, and recalling all Commission on Human Rights, Council and General Assembly resolutions on the right to development,

Recognizing the renewed commitments to achieve the Millennium Development Goals by their target date of 2015, as set out in the outcome document adopted at the High-level Plenary Meeting of the sixty-fifth session of the General Assembly on the Millennium Development Goals,

Emphasizing the urgent need to make the right to development a reality for everyone,

Stressing the primary responsibility of States for the creation of national and international conditions favourable to the realization of the right to development,

Recalling that 2011 marks the twenty-fifth anniversary of the Declaration on the Right to Development,

Expressing its appreciation for the efforts of the Chairperson-Rapporteur of the Working Group on the Right to Development and the members of the high-level task force on the implementation of the right to development in completing the 2008-2010 three-phase road map established by the Council in its resolution 4/4,

Taking note of the efforts under way in the framework of the Working Group on the Right to Development, with a view to completing the tasks entrusted to it by the Council in resolution 4/4,

1. *Welcomes* the report of the Working Group on the Right to Development;[41]

2. *Takes note with appreciation* of the efforts made by the Office of the United Nations High Commissioner for Human Rights with regard to the promotion, mainstreaming and realization of the right to development, including the support provided to the Working Group;

3. *Decides*:

(*a*) To continue to act to ensure that its agenda promotes and advances sustainable development and the achievement of the Millennium Development Goals and, in this regard, lead to raising the right to development, as set out in paragraphs 5 and 10 of the Vienna Declaration and Programme of Action, to the same level and on a par with all other human rights and fundamental freedoms;

(*b*) To endorse the recommendations of the Working Group as outlined in paragraphs 45 to 47 of its report;

[41] A/HRC/15/23.

(*c*) To take note of the work of the high-level task force, including its consolidation of findings and the list of right to development criteria and corresponding operational sub-criteria;[42]

(*d*) To request the Office of the High Commissioner to seek the views of States Members of the United Nations and relevant stakeholders on the work of the high-level task force and the way forward, taking into consideration the essential features of the right to development, using as reference the Declaration on the Right to Development and resolutions of the Commission on Human Rights, the Council and the General Assembly on the right to development;

(*e*) To request the Office of the High Commissioner to post on its website all written contributions by Member States and other stakeholders;

(*f*) To request the Chairperson/Rapporteur of the Working Group, assisted by the Office of the High Commissioner, to prepare two compilations of the submissions received from Governments, groups of Governments and regional groups, as well as the inputs received from other stakeholders, and to present both compilations to the Working Group at its twelfth session;

(*g*) That following the consideration by the Working Group of the above-mentioned compilations of views, the criteria and corresponding operational sub-criteria, mentioned in paragraph 3 (c) above, once considered, revised and endorsed by the Working Group, should be used, as appropriate, in the elaboration of a comprehensive and coherent set of standards for the implementation of the right to development;

(*h*) That the Working Group shall take appropriate steps to ensure respect for and practical application of the above-mentioned standards, which could take various forms, including guidelines on the implementation of the right to development, and evolve into a basis for consideration of an international legal standard of a binding nature through a collaborative process of engagement;

(*i*) To request the Office of the High Commissioner, in consultation with States Members of the United Nations and other relevant stakeholders, to launch preparations for the commemoration of the twenty-fifth anniversary of the Declaration on the Right to Development;

(*j*) To request the Office of the High Commissioner to continue to take all necessary measures and to allocate adequate resources for the effective implementation of the present resolution;

4. *Also decides* to review the progress of the implementation of the present resolution as a matter of priority at its future sessions.

34th meeting
1 October 2010

[Adopted by a recorded vote of 45 in favour, none against, and 1 abstention. The voting was as follows:

In favour:

Angola, Argentina, Bahrain, Bangladesh, Belgium, Brazil, Burkina Faso, Cameroon, Chile, China, Cuba, Djibouti, Ecuador, France, Gabon, Ghana, Guatemala, Hungary, Japan, Jordan, Kyrgyzstan, Libyan Arab Jamahiriya, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Norway, Pakistan, Poland, Qatar, Republic of Korea, Republic of Moldova, Russian Federation, Saudi Arabia, Senegal, Slovakia, Spain, Switzerland, Thailand,

[42] A/HRC/15/WG.2/TF/2 and Add.1 and 2.

Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, Zambia

Abstention:

United States of America]

15/26
Open-ended intergovernmental working group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies

For the text of the resolution, see page 14 above.

15/27
Situation of human rights in the Sudan

The Human Rights Council,

Guided by the principles and objectives of the Charter of the United Nations, the Universal Declaration of Human Rights and other relevant instruments,

Reaffirming the obligation of States to promote and protect human rights and fundamental freedoms,

Emphasizing that States have the primary responsibility for the promotion and protection of all human rights, including the prevention of human rights violations,

Recognizing the developments taking place in the Sudan, and the efforts of the Government of the Sudan in the promotion and protection of human rights,

Reaffirming Commission on Human Rights resolution 2005/82 of 21 April 2005 and Council resolutions 6/34 and 6/35 of 14 December 2007, 7/16 of 27 March 2008, 9/17 of 24 September 2008 and 11/10 of 18 June 2009, as well as Council decision 14/117 of 10 June 2010, and calling upon the Government of the Sudan to continue to intensify its efforts to implement them,

1. *Takes note* of the report of the independent expert on the situation of human rights in the Sudan and the addenda thereto, submitted to the Council at its fifteenth session;[43]

2. *Expresses its appreciation* to the independent expert for his work and the recommendations he has made relating to the improvement of the situation of human rights in the Sudan;

3. *Commends* the cooperation extended by the Government of the Sudan to the independent expert and to the United Nations and African Union missions in the Sudan in the field of human rights and international humanitarian law, and urges the Government to continue its cooperation;

4. *Urges* all parties to continue their efforts to implement the remaining obligations stipulated in the Comprehensive Peace Agreement, encourages all parties to continue their ongoing efforts to achieve peace in Darfur, and urges non-participating parties to join the negotiations;

[43] A/HRC/14/41 and Corr.1 and Add.1 and A/HRC/15/CRP.1.

5. *Congratulates* the Government and the people of the Sudan for organizing and for widely participating in the April 2010 elections, which, despite logistical and organizational gaps, took place in a peaceful and orderly manner;

6. *Welcomes* the continued work of the Advisory Council for Human Rights in the Sudan and the establishment of the Southern Sudan Human Rights Commission, and calls for the nomination of the members of the National Human Rights Commission, as stipulated in the Comprehensive Peace Agreement;

7. *Welcomes also* the passing of the Southern Sudan Referendum Bill and the establishment of the Southern Sudan Referendum Commission, and calls upon all parties to the Comprehensive Peace Agreement to take urgent action to resolve key remaining post-referendum issues and facilitate peaceful, fair, timely and transparent referendums that reflect the will of the Southern Sudanese people, and to respect their results;

8. *Calls upon* the international community to continue to provide support and technical assistance to the Government of the Sudan and the Government of Southern Sudan in accordance with assessed needs;

9. *Recognizes* the work of the African Union and existing mechanisms, and calls for greater coordination and the elimination of duplication;

10. *Decides* to renew for a period of one year the mandate of the independent expert on the situation of human rights in the Sudan, who shall assume the mandate and responsibilities set out by the Council in its resolutions 6/34, 6/35, 7/16, 9/17 and 11/10, requests the independent expert to engage with the newly created human rights forums in the Sudan as well as the human rights sections of the African Union, the United Nations Mission in the Sudan and the African Union-United Nations Hybrid Operation in Darfur and to submit a report to the Council for consideration at its eighteenth session, and requests the Secretary-General to provide the independent expert with all the assistance necessary to discharge the mandate fully.

34th meeting
1 October 2010

[Adopted by a recorded vote of 25 to 18, with 3 abstentions. The voting was as follows:

In favour:

Argentina, Belgium, Brazil, Chile, Ecuador, France, Gabon, Guatemala, Hungary, Japan, Maldives, Mexico, Norway, Poland, Republic of Korea, Republic of Moldova, Slovakia, Spain, Switzerland, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Zambia

Against:

Bahrain, Bangladesh, Burkina Faso, Cameroon, China, Cuba, Djibouti, Ghana, Jordan, Libyan Arab Jamahiriya, Malaysia, Mauritania, Nigeria, Pakistan, Qatar, Russian Federation, Saudi Arabia, Senegal

Abstaining:

Kyrgyzstan, Mauritius, Thailand]

15/28
Assistance to Somalia in the field of human rights

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the African Charter on Human and Peoples' Rights and the relevant human rights instruments,

Acknowledging that peace and security, development and human rights are the pillars of the United Nations system,

Reaffirming its respect for the sovereignty, territorial integrity, political independence and unity of Somalia,

Recalling all its previous resolutions on the situation of human rights in Somalia and its decision 14/119 of 18 June 2010,

Recalling also its resolutions 5/1 on institution-building of the Human Rights Council and 5/2 on the code of conduct for special procedures mandate holders of the Human Rights Council, of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with these resolutions and the annexes thereto,

Welcoming the commitment and efforts made by the African Union to support Somali-led efforts to achieve reconciliation and stability, and the efforts made by international and regional stakeholders to help Somalia re-establish stability, peace and security in its national territory,

Welcoming also the decision on the report of the Peace and Security Council on the state of peace and security in Africa, adopted by the Assembly of the African Union at its fifteenth ordinary session, held in Kampala from 25 to 27 July 2010, recognizing the positive contribution of the African Union Mission in Somalia and troop-contributing countries in this regard,

Reaffirming the efforts of the Transitional Federal Government of Somalia and its subnational entities,

Condemning the despicable terrorist attacks perpetrated in Kampala on 11 July 2010 against innocent civilians watching the final match of the 2010 Soccer World Cup organized by Fédération internationale de football association,

Seriously concerned about the impact of the humanitarian and political crisis on the enjoyment of all human rights, including civil, political, economic, social and cultural rights and the right to development,

Emphasizing the need to tackle the root causes and effects of the prolonged socio-economic and political crisis, including the increasing number of internally displaced persons and refugees in neighbouring countries, human trafficking and piracy,

Stressing the primary responsibility of Somali authorities for the protection and promotion of human rights,

Reiterating the fact that humanitarian, human rights and development assistance are of paramount importance to alleviate poverty and to promote a more peaceful, stable, equitable and democratic society in Somalia,

1. *Expresses its serious concern* at the growing negative impact of the prolonged instability of Somalia on neighbouring countries and beyond;

2. *Expresses its deep concern* at the significant civilian casualties caused by ongoing hostilities, the repeated attacks against peacekeeping forces and humanitarian personnel, and the recruitment, training and use of children in the conflict;

3. *Also expresses its deep concern* at the plight of internally displaced persons and refugees and at the vast scale of displacement as a direct consequence of the conflict and of violations of human rights and humanitarian law;

4. *Urges* all parties to refrain from all forms of violence against the civilian population, to actively prevent abuses of human rights and to allow unhindered access to humanitarian assistance, in particular for the most vulnerable groups, such as women and children;

5. *Strongly condemns* the attacks and other acts of violence perpetrated by terrorist groups, especially Al-Shabab, against the Transitional Federal Government, the Somali people and the African Union Mission in Somalia, and also condemns the ongoing takeover by force of several private media houses, especially in Mogadishu, by Al-Shabab and its affiliates;

6. *Welcomes* the recent statement made by the Special Representative of the Secretary-General for Somalia, including on the situation of human rights in Somalia, announcing the re-establishment of the presence of the United Nations inside Somalia;

7. *Recognizes* the call of the Intergovernmental Authority on Development and the African Union to boost the composition of troops of the African Union Mission in Somalia following the killing of innocent civilians in suicide attacks in Kampala;

8. *Urges* the Transitional Federal Government, Member States, stakeholders and the entire international community to continue to isolate and take all required measures against individuals and entities whose actions threaten the peace, security or stability of Somalia and of the region, including those engaged in terrorist acts, while ensuring that any measure taken to counter terrorism complies with international law;

9. *Urges* the international community, in fulfilment of the commitments made, to provide financial and technical assistance to enable the relevant units of the African Union Mission in Somalia to support stabilization, rehabilitation and reconstruction efforts within its capabilities;

10. *Calls upon* the Office of the United Nations High Commissioner for Human Rights to accord due consideration to any request by Somalia for assistance from the Universal Periodic Review Trust Fund, and requests all stakeholders to take any appropriate measures to assist the Government of Somalia in its preparation for the forthcoming session of the universal periodic review in May 2011;

11. *Requests* Member States, relevant United Nations agencies and stakeholders to provide the much-needed technical assistance to the Government of Somalia to boost its effective participation in the various United Nations processes, and calls upon United Nations agencies to respect fully the Somali institutions at the national and subnational levels both inside and outside the country;

12. *Urges* all parties in Somalia to reject and cease all acts of violence, refrain from engaging in hostilities, prevent any act likely to increase tension and insecurity and respect fully their obligations under international human rights law and international humanitarian law;

13. *Urges* existing United Nations mandate holders, including the independent expert on the situation of human rights in Somalia, the Special Representative of the Secretary-General for Somalia, relevant agencies and programmes, as well as the Somali authorities at the national and subnational levels, to cooperate fully and coordinate among themselves with a view to setting up a sustainable road map with benchmarks, in accordance with Council resolutions 10/32 of 27 March 2009 and 12/26 of 2 October 2009, to lead Somalia to the path of lasting peace, conducive to the effective promotion and protection of human rights;

14. *Calls upon* all stakeholders to assist Somalia to design a sustainable road map with benchmarks, to monitor its implementation on the ground and to report to the Council on a regular basis;

15. *Decides* to extend the mandate of the independent expert for one year with a view to maximizing the provision and flow of technical assistance to Somalia in the field of human rights, in order to support the efforts of the Transitional Federal Government and its subnational authorities to ensure the respect for human rights and strengthen the human rights regime in its work to complete the outstanding task of the transitional mandate, and requests him to report to the Council at its eighteenth session on the situation of human rights and the implementation of technical cooperation in Somalia;

16. *Urges* the Office of the High Commissioner to provide the necessary technical support and training.

34th meeting
1 October 2010

[Adopted without a vote.]

III. Decisions

15/101
Outcome of the universal periodic review: Kyrgyzstan

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008;

Having conducted the review of Kyrgyzstan on 3 May 2010 in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on Kyrgyzstan which is constituted of the report of the Working Group on Kyrgyzstan (A/HRC/15/2), together with the views of Kyrgyzstan concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/15/60, chapter VI).

14th meeting
21 September 2010

[Adopted without a vote.]

15/102
Outcome of the universal periodic review: Guinea

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008;

Having conducted the review of Guinea on 4 May 2010 in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on Guinea which is constituted of the report of the Working Group on Guinea (A/HRC/15/4), together with the views of Guinea concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/15/60, chapter VI and A/HRC/15/4/Add.1).

15th meeting
21 September 2010

[Adopted without a vote.]

15/103
Outcome of the universal periodic review: Lao People's Democratic Republic

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008;

Having conducted the review of Lao People's Democratic Republic on 4 May 2010 in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on Lao People's Democratic Republic which is constituted of the report of the Working Group on Lao People's Democratic Republic (A/HRC/15/5), together with the views of Lao People's Democratic Republic concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/15/60, chapter VI and A/HRC/15/5/Add.1).

16th meeting
21 September 2010

[Adopted without a vote.]

15/104
Outcome of the universal periodic review: Spain

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008;

Having conducted the review of Spain on 5 May 2010 in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on Spain which is constituted of the report of the Working Group on Spain (A/HRC/15/6), together with the views of Spain concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/15/60, chapter VI and A/HRC/15/6/Add.1).

16th meeting
21 September 2010

[Adopted without a vote.]

15/105
Outcome of the universal periodic review: Lesotho

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008;

Having conducted the review of Lesotho on 5 May 2010 in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on Lesotho which is constituted of the report of the Working Group on Lesotho (A/HRC/15/7), together with the views of Lesotho concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/15/60, chapter VI and A/HRC/15/7/Add.1).

16th meeting
21 September 2010

[Adopted without a vote.]

15/106
Outcome of the universal periodic review: Kenya

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008;

Having conducted the review of Kenya on 6 May 2010 in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on Kenya which is constituted of the report of the Working Group on Kenya (A/HRC/15/8), together with the views of Kenya concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/15/60, chapter VI).

17th meeting
22 September 2010

[Adopted without a vote.]

15/107
Outcome of the universal periodic review: Armenia

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in

accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008;

Having conducted the review of Armenia on 6 May 2010 in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on Armenia which is constituted of the report of the Working Group on Armenia (A/HRC/15/9), together with the views of Armenia concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/15/60, chapter VI and A/HRC/15/9/Add.1).

17th meeting
22 September 2010

[Adopted without a vote.]

15/108
Outcome of the universal periodic review: Sweden

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008;

Having conducted the review of Sweden on 7 May 2010 in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on Sweden which is constituted of the report of the Working Group on Sweden (A/HRC/15/11), together with the views of Sweden concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/15/60, chapter VI and A/HRC/15/11/Add.1).

18th meeting
22 September 2010

[Adopted without a vote.]

15/109
Outcome of the universal periodic review: Grenada

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008;

Having conducted the review of Grenada on 10 May 2010 in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on Grenada which is constituted of the report of the Working Group on Grenada (A/HRC/15/12), together with the views of Grenada concerning the recommendations and/or conclusions, as well as its voluntary

commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/15/60, chapter VI).

18th meeting
22 September 2010

[Adopted without a vote.]

15/110
Outcome of the universal periodic review: Turkey

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008;

Having conducted the review of Turkey on 10 May 2010 in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on Turkey which is constituted of the report of the Working Group on Turkey (A/HRC/15/13), together with the views of Turkey concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/15/60, chapter VI and A/HRC/15/13/Add.1).

18th meeting
22 September 2010

[Adopted without a vote.]

15/111
Outcome of the universal periodic review: Guyana

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008;

Having conducted the review of Guyana on 11 May 2010 in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on Guyana which is constituted of the report of the Working Group on Guyana (A/HRC/15/14), together with the views of Guyana concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/15/60, chapter VI and A/HRC/15/14/Add.1).

19th meeting
23 September 2010

[Adopted without a vote.]

15/112
Outcome of the universal periodic review: Kuwait

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008;

Having conducted the review of Kuwait on 12 May 2010 in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on Kuwait which is constituted of the report of the Working Group on Kuwait (A/HRC/15/15), together with the views of Kuwait concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/15/60, chapter VI and A/HRC/15/15/Add.1).

19th meeting
23 September 2010

[Adopted without a vote.]

15/113
Outcome of the universal periodic review: Belarus

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008;

Having conducted the review of Belarus on 12 May 2010 in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on Belarus which is constituted of the report of the Working Group on Belarus (A/HRC/15/16), together with the views of Belarus concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/15/60, chapter VI and A/HRC/15/16/Add.1).

19th meeting
23 September 2010

[Adopted without a vote.]

15/114
Outcome of the universal periodic review: Kiribati

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in

accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008;

Having conducted the review of Kiribati on 3 May 2010 in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on Kiribati which is constituted of the report of the Working Group on Kiribati (A/HRC/15/3), together with the views of Kiribati concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/15/60, chapter VI and A/HRC/15/3/Add.1).

33rd meeting
1 October 2010

[Adopted without a vote.]

15/115
Outcome of the universal periodic review: Guinea Bissau

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008;

Having conducted the review of Guinea Bissau on 7 May 2010 in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on Guinea Bissau which is constituted of the report of the Working Group on Guinea Bissau (A/HRC/15/10), together with the views of Guinea Bissau concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/15/60, chapter VI and A/HRC/15/10/Add.1).

33rd meeting
1 October 2010

[Adopted without a vote.]

15/116
Human rights and issues related to terrorist hostage-taking

At its 33rd meeting, on 1 October 2010, the Human Rights Council decided to adopt the following text:

"*The Human Rights Council,*

Recalling previous resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council on hostage-taking, on human rights and terrorism and on the promotion and protection of human rights while countering terrorism, in particular Assembly resolutions 61/172 of 19 December 2006 and 64/168 of 18 December 2009, Commission resolutions 2004/44 of 19 April 2004 and 2005/31 of 19 April 2005 and Council resolution 13/26 of 26 March 2010,

Recalling also all General Assembly resolutions on measures to eliminate international terrorism and on the United Nations Global Counter-Terrorism Strategy, including resolutions 46/51 of 9 December 1991, 60/288 of 8 September 2006 and 64/297 of 8 September 2010,

Underlining the importance of the ratification of all relevant international conventions against terrorism, especially the International Convention for the Suppression of the Financing of Terrorism and the International Convention against the Taking of Hostages,

Reaffirming, in particular, that peace and security, development and human rights are the interrelated pillars of the United Nations system, and renewing its commitment to strengthen international cooperation to prevent and combat terrorism,

Reaffirming also that the promotion and protection of human rights for all and the rule of law are essential to the fight against terrorism, and recognizing that effective counter-terrorism measures and the protection of human rights are not conflicting goals but are complementary and mutually reinforcing,

Expressing concern at the increase in incidents of kidnapping and hostage-taking,

Recognizing, therefore, the need to reflect on the question of human rights and issues related to terrorist hostage-taking,

1. *Decides* to convene, within existing resources, at its sixteenth session, a panel discussion on the issue of human rights in the context of action taken to address terrorist hostage-taking, with a special focus on the primary responsibility of States to promote and protect human rights for all in their jurisdiction, on the strengthening of international cooperation to prevent and combat terrorism and on the protection of the rights of all victims of terrorism involved;

2. *Requests* the Office of the United Nations High Commissioner for Human Rights to liaise with the Special Rapporteur on the promotion and protection of human rights while countering terrorism and all concerned parties and stakeholders, including relevant United Nations bodies and agencies, with a view to ensuring their participation in the panel discussion;

3. *Also requests* the Office of the High Commissioner to prepare a report on the outcome of the panel discussion in the form of a summary."

33rd meeting
1 October 2010

[Adopted without a vote.]

15/117
Nelson Mandela International Day

At its 34th meeting, on 1 October 2010, the Human Rights Council decided to adopt the following text:

"*The Human Rights Council,*

Recognizing the long history of Nelson Rolihlahla Mandela's leading role in and support for Africa's struggle for liberation and Africa's unity, and his outstanding contribution to the creation of a non-racial, non-sexist, democratic South Africa,

Recognizing also Nelson Mandela's values and his dedication to the service of humanity, as a humanitarian, in the fields of conflict resolution, race relations, promotion and protection of human rights, reconciliation, gender equality and the rights of children and other vulnerable groups, as well as the upliftment of poor and underdeveloped communities,

Welcoming General Assembly resolution 64/13 of 10 November 2009, in which the Assembly proclaimed 18 July Nelson Mandela International Day, to be observed every year beginning in 2010,

Welcoming also General Assembly resolution 64/169 of 18 December 2009, in which the Assembly proclaimed 2011 the International Year for People of African Descent,

Concerned by continued acts of racism, racial discrimination, xenophobia and related intolerance, and recognizing the need to focus the world's attention on building greater resolve and enduring political will to halt the scourges, wherever they may occur,

1. *Decides* to hold, at its eighteenth session, a high-level panel discussion to reflect on current human rights situations worldwide with regard to racism, racial discrimination, xenophobia and related intolerance, drawing inspiration from the example of Nelson Mandela for promoting and protecting human rights without distinction as to race, colour or national or ethnic origin;

2. *Also decides* that the panel discussion will focus on the promotion and protection of human rights through tolerance and reconciliation;

3. *Requests* the Office of the United Nations High Commissioner for Human Rights to take the necessary measures to observe Nelson Mandela International Day;

4. *Encourages* all States Members of the United Nations and relevant stakeholders to engage fully in the panel discussion with a view to guarantee an appropriate balance and diversity of views on the issue."

34th meeting
1 October 2010

[Adopted without a vote.]

IV. President's statements

PRST 15/1
Technical assistance and capacity-building in Haiti

At the 31st meeting, held on 30 September 2010, the President of the Council read out the following statement:

"*The Human Rights Council*

1. *Reaffirms* its solidarity with the Haitian people in the wake of the devastating earthquake which struck Haiti on 12 January 2010, and underscores the particular circumstances created by this natural disaster, which resulted in nearly 300,000 casualties, the displacement of more than 2 million people and the destruction of a significant proportion of the country's infrastructure, with serious consequences for the enjoyment by Haitians of their human rights;

2. *Recalls* the special session on Haiti convened on 27 January 2010 and resolution S/13-1, which it adopted on that occasion, and welcomes the report prepared pursuant to that resolution by the United Nations High Commissioner for Human Rights[44] and the recommendations contained therein;

3. *Recognizes* that the crisis caused by the earthquake has had a real impact on the health and security of Haitian women and men, and emphasizes that sufficient resources must be mobilized to facilitate access to basic services in order to improve the quality of life of the population;

4. *Welcomes* the mobilization and contributions of the international community in support of reconstruction, applauds the priorities defined by the Government in its national recovery and development action plan, which focuses on reviving economic, government and social activity, as well as on reducing the country's vulnerability and placing it back on the path to development, and urges donors to honour their commitments without delay;

5. *Also welcomes* the strengthening of the United Nations Stabilization Mission in Haiti, as requested by the Security Council in its resolution 1927 (2010) of 4 June 2010 with a view, in particular, to helping the Haitian Government to provide adequate protection to the population while devoting special attention to the needs of displaced persons and other vulnerable groups, especially women and children;

6. *Stresses* the need to tackle obstacles that are preventing the people from fully exercising their human rights, including access to food, decent housing, health care, drinking water, sanitation, education and employment, and that are jeopardizing the implementation of obligations related to drinking water and sanitation;

7. *Stresses also* the need to rapidly restore the system for the issuance of identity documents, property deeds and other essential documents, so that the people may fully exercise their rights;

[44] A/HRC/14/CRP.3.

8. *Welcomes* the latest political developments in Haiti in respect of preparations for the elections scheduled for November 2010, and stresses the importance of ensuring that these elections are carried out under the proper conditions;

9. *Applauds* the fact that the Haitian authorities have reaffirmed their commitment and determination to improve the quality of life of Haitian women and men by, in particular, ensuring greater respect for human rights and promoting cooperation between the Haitian National Police and the United Nations Stabilization Mission in Haiti in curbing violence, including sexual violence against women, crime and banditry;

10. *Is aware of* the many obstacles to development in Haiti and the difficulties encountered by its leaders in daily governance, recognizes that the full enjoyment of civil and political, economic, social and cultural human rights is a factor of peace, stability and progress in Haiti, and encourages the Government to continue to reform the judicial and prison system and to strengthen the rule of law and efforts to combat impunity;

11. *Strongly encourages* the international community as a whole, and in particular international donors, the group of countries known as the Friends of Haiti, United Nations specialized agencies, and regional and international organizations, to step up their cooperation with the constituted authorities of Haiti for the full realization of human rights;

12. *Invites* the United Nations Stabilization Mission in Haiti, the Interim Haiti Recovery Commission and other competent international bodies to take full account of the recommendations made by the High Commissioner[1] concerning greater protection of the human rights of displaced persons, women, children, persons with disabilities and migrants;

13. *Underscores* the need for heightened awareness of human rights during the reconstruction process through, inter alia, the integration of a human rights-based approach in reconstruction projects, including private and bilateral projects and associated calls for tender;

14. *Welcomes* the request of the Haitian authorities to have the mission of the independent expert on the situation of human rights in Haiti extended until September 2011, and decides to approve that request;

15. *Emphasizes* that the independent expert's mandate falls within the framework of technical assistance and capacity-building and, in the light of that fact, encourages him to collaborate with international institutions, donors and the international community in bringing their expertise to bear and furnishing sufficient resources to support the authorities' efforts to rebuild the country following the earthquake of 12 January 2010, and encourages him to continue the work begun in 2008 and to accomplish his mission by drawing upon his experience to further the cause of human rights in Haiti, with particular emphasis on economic, social and cultural rights, the rights of persons with disabilities, women's and children's rights, and access to justice;

16. *Invites* the independent expert to undertake a mission to Haiti in the near future and to report to it thereon at its seventeenth session, and encourages the Haitian authorities to cooperate fully with the expert."

PRST 15/2

At the 34th meeting, held on 1 October 2010, the President of the Council, reaffirming full support for the mandate of the United Nations High Commissioner for Human Rights as contained in General Assembly resolution 48/141 of 20 December 1993, issued a statement prepared in consultation with the High Commissioner reading as follows:

"*The Human Rights Council*

1. *Acknowledges* the ongoing constructive dialogue between the Office of the United Nations High Commissioner for Human Rights and the Human Rights Council, and thanks the High Commissioner, in particular, for her letter dated 3 May 2010 addressed to the President of the Council, asking him to share the Secretary-General's proposed strategic framework for programme 19, Human rights, with the members of the Council and offering to compile and submit to the Committee for Programme and Coordination any comments they might have;

2. *Invites* the High Commissioner to present the Secretary-General's proposed strategic framework for programme 19, Human rights, to the Council prior to its submission to the Committee for Programme and Coordination, for the purpose of the High Commissioner to compile and submit the views of States and relevant stakeholders for transmission to the Committee for its consideration."

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